

118TH CONGRESS
1ST SESSION

H. R. 1

AN ACT

To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Lower Energy Costs Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**DIVISION A—INCREASING AMERICAN ENERGY PRODUCTION, EX-
PORTS, INFRASTRUCTURE, AND CRITICAL MINERALS PROC-
ESSING**

Sec. 10001. Securing America’s critical minerals supply.

Sec. 10002. Protecting American energy production.

Sec. 10003. Researching Efficient Federal Improvements for Necessary Energy Refining.

Sec. 10004. Promoting cross-border energy infrastructure.

Sec. 10005. Sense of Congress expressing disapproval of the revocation of the Presidential permit for the Keystone XL pipeline.

Sec. 10006. Sense of Congress opposing restrictions on the export of crude oil or other petroleum products.

Sec. 10007. Sense of Congress expressing disapproval of the denial of Jordan Cove permits.

Sec. 10008. Unlocking our domestic LNG potential.

Sec. 10009. Promoting interagency coordination for review of natural gas pipelines.

Sec. 10010. Interim hazardous waste permits for critical energy resource facilities.

Sec. 10011. Flexible air permits for critical energy resource facilities.

Sec. 10012. National security or energy security waivers to produce critical energy resources.

Sec. 10013. Ending future delays in chemical substance review for critical energy resources.

Sec. 10014. Natural gas tax repeal.

Sec. 10015. Repeal of greenhouse gas reduction fund.

Sec. 10016. Keeping America’s refineries operating.

Sec. 10017. Homeowner energy freedom.

Sec. 10018. Study.

Sec. 10019. State primary enforcement responsibility.

Sec. 10020. Use of index-based pricing in acquisition of petroleum products for the SPR.

Sec. 10021. Prohibition on certain exports.

Sec. 10022. Sense of Congress expressing disapproval of the proposed tax hikes on the oil and natural gas industry in the President’s fiscal year 2024 budget request.

Sec. 10023. Domestic Energy Independence report.

Sec. 10024. GAO study.

Sec. 10025. Gas kitchen ranges and ovens.

**DIVISION B—TRANSPARENCY, ACCOUNTABILITY, PERMITTING,
AND PRODUCTION OF AMERICAN RESOURCES**

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1 **DIVISION A—INCREASING AMER-**
 2 **ICAN ENERGY PRODUCTION,**
 3 **EXPORTS, INFRASTRUCTURE,**
 4 **AND CRITICAL MINERALS**
 5 **PROCESSING**

DIVISION A—INCREASING AMERICAN ENERGY PRODUCTION, EX-
 PORTS, INFRASTRUCTURE, AND CRITICAL MINERALS PROC-
 ESSING

- Sec. 10001. Securing America’s critical minerals supply.

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1 **SEC. 10001. SECURING AMERICA'S CRITICAL MINERALS**

2 **SUPPLY.**

3 (a) AMENDMENT TO THE DEPARTMENT OF ENERGY

4 ORGANIZATION ACT.—The Department of Energy Orga-

5 nization Act (42 U.S.C. 7101 et seq.) is amended—

6 (1) in section 2, by adding at the end the fol-

7 lowing:

1 “(d) As used in sections 102(20) and 203(a)(12), the
2 term ‘critical energy resource’ means any energy re-
3 source—

4 “(1) that is essential to the energy sector and
5 energy systems of the United States; and

6 “(2) the supply chain of which is vulnerable to
7 disruption.”;

8 (2) in section 102, by adding at the end the fol-
9 lowing:

10 “(20) To ensure there is an adequate and reli-
11 able supply of critical energy resources that are es-
12 sential to the energy security of the United States.”;
13 and

14 (3) in section 203(a), by adding at the end the
15 following:

16 “(12) Functions that relate to securing the sup-
17 ply of critical energy resources, including identifying
18 and mitigating the effects of a disruption of such
19 supply on—

20 “(A) the development and use of energy
21 technologies; and

22 “(B) the operation of energy systems.”.

23 (b) SECURING CRITICAL ENERGY RESOURCE SUPPLY
24 CHAINS.—

1 (1) IN GENERAL.—In carrying out the require-
2 ments of the Department of Energy Organization
3 Act (42 U.S.C. 7101 et seq.), the Secretary of En-
4 ergy, in consultation with the appropriate Federal
5 agencies, representatives of the energy sector,
6 States, and other stakeholders, shall—

7 (A) conduct ongoing assessments of—

8 (i) energy resource criticality based on
9 the importance of critical energy resources
10 to the development of energy technologies
11 and the supply of energy;

12 (ii) the critical energy resource supply
13 chain of the United States;

14 (iii) the vulnerability of such supply
15 chain; and

16 (iv) how the energy security of the
17 United States is affected by the reliance of
18 the United States on importation of critical
19 energy resources;

20 (B) facilitate development of strategies to
21 strengthen critical energy resource supply
22 chains in the United States, including by—

23 (i) diversifying the sources of the sup-
24 ply of critical energy resources; and

1 (ii) increasing domestic production,
2 separation, and processing of critical en-
3 ergy resources;

4 (C) develop substitutes and alternatives to
5 critical energy resources; and

6 (D) improve technology that reuses and re-
7 cycles critical energy resources.

8 (2) REPORT.—Not later than 1 year after the
9 date of enactment of this Act, and annually there-
10 after, the Secretary of Energy shall submit to Con-
11 gress a report containing—

12 (A) the results of the ongoing assessments
13 conducted under paragraph (1)(A);

14 (B) a description of any actions taken pur-
15 suant to the Department of Energy Organiza-
16 tion Act to mitigate potential effects of critical
17 energy resource supply chain disruptions on en-
18 ergy technologies or the operation of energy
19 systems; and

20 (C) any recommendations relating to
21 strengthening critical energy resource supply
22 chains that are essential to the energy security
23 of the United States.

24 (3) CRITICAL ENERGY RESOURCE DEFINED.—

25 In this section, the term “critical energy resource”

1 has the meaning given such term in section 2 of the
2 Department of Energy Organization Act (42 U.S.C.
3 7101).

4 **SEC. 10002. PROTECTING AMERICAN ENERGY PRODUCTION.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that States should maintain primacy for the regula-
7 tion of hydraulic fracturing for oil and natural gas produc-
8 tion on State and private lands.

9 (b) PROHIBITION ON DECLARATION OF A MORATO-
10 RIUM ON HYDRAULIC FRACTURING.—Notwithstanding
11 any other provision of law, the President may not declare
12 a moratorium on the use of hydraulic fracturing unless
13 such moratorium is authorized by an Act of Congress.

14 **SEC. 10003. RESEARCHING EFFICIENT FEDERAL IMPROVE-**
15 **MENTS FOR NECESSARY ENERGY REFINING.**

16 Not later than 90 days after the date of enactment
17 of this section, the Secretary of Energy shall direct the
18 National Petroleum Council to—

19 (1) submit to the Secretary of Energy and Con-
20 gress a report containing—

21 (A) an examination of the role of petro-
22 chemical refineries located in the United States
23 and the contributions of such petrochemical re-
24 fineries to the energy security of the United
25 States, including the reliability of supply in the

1 United States of liquid fuels and feedstocks,
2 and the affordability of liquid fuels for con-
3 sumers in the United States;

4 (B) analyses and projections with respect
5 to—

6 (i) the capacity of petrochemical refin-
7 eries located in the United States;

8 (ii) opportunities for expanding such
9 capacity; and

10 (iii) the risks to petrochemical refin-
11 eries located in the United States;

12 (C) an assessment of any Federal or State
13 executive actions, regulations, or policies that
14 have caused or contributed to a decline in the
15 capacity of petrochemical refineries located in
16 the United States; and

17 (D) any recommendations for Federal
18 agencies and Congress to encourage an increase
19 in the capacity of petrochemical refineries lo-
20 cated in the United States; and

21 (2) make publicly available the report submitted
22 under paragraph (1).

1 **SEC. 10004. PROMOTING CROSS-BORDER ENERGY INFRA-**
2 **STRUCTURE.**

3 (a) AUTHORIZATION OF CERTAIN ENERGY INFRA-
4 STRUCTURE PROJECTS AT AN INTERNATIONAL BOUND-
5 ARY OF THE UNITED STATES.—

6 (1) AUTHORIZATION.—Except as provided in
7 paragraph (3) and subsection (d), no person may
8 construct, connect, operate, or maintain a border-
9 crossing facility for the import or export of oil or
10 natural gas, or the transmission of electricity, across
11 an international border of the United States without
12 obtaining a certificate of crossing for the border-
13 crossing facility under this subsection.

14 (2) CERTIFICATE OF CROSSING.—

15 (A) REQUIREMENT.—Not later than 120
16 days after final action is taken, by the relevant
17 official or agency identified under subparagraph
18 (B), under the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
20 spect to a border-crossing facility for which a
21 person requests a certificate of crossing under
22 this subsection, the relevant official or agency,
23 in consultation with appropriate Federal agen-
24 cies, shall issue a certificate of crossing for the
25 border-crossing facility unless the relevant offi-
26 cial or agency finds that the construction, con-

1 nection, operation, or maintenance of the bor-
2 der-crossing facility is not in the public interest
3 of the United States.

4 (B) RELEVANT OFFICIAL OR AGENCY.—

5 The relevant official or agency referred to in
6 subparagraph (A) is—

7 (i) the Federal Energy Regulatory
8 Commission with respect to border-cross-
9 ing facilities consisting of oil or natural
10 gas pipelines; and

11 (ii) the Secretary of Energy with re-
12 spect to border-crossing facilities consisting
13 of electric transmission facilities.

14 (C) ADDITIONAL REQUIREMENT FOR

15 ELECTRIC TRANSMISSION FACILITIES.—In the
16 case of a request for a certificate of crossing for
17 a border-crossing facility consisting of an elec-
18 tric transmission facility, the Secretary of En-
19 ergy shall require, as a condition of issuing the
20 certificate of crossing under subparagraph (A),
21 that the border-crossing facility be constructed,
22 connected, operated, or maintained consistent
23 with all applicable policies and standards of—

24 (i) the Electric Reliability Organiza-
25 tion and the applicable regional entity; and

1 (ii) any Regional Transmission Orga-
2 nization or Independent System Operator
3 with operational or functional control over
4 the border-crossing facility.

5 (3) EXCLUSIONS.—This subsection shall not
6 apply to any construction, connection, operation, or
7 maintenance of a border-crossing facility for the im-
8 port or export of oil or natural gas, or the trans-
9 mission of electricity—

10 (A) if the border-crossing facility is oper-
11 ating for such import, export, or transmission
12 as of the date of enactment of this Act;

13 (B) if a Presidential permit (or similar
14 permit) for the construction, connection, oper-
15 ation, or maintenance has been issued pursuant
16 to any provision of law or Executive order; or

17 (C) if an application for a Presidential per-
18 mit (or similar permit) for the construction,
19 connection, operation, or maintenance is pend-
20 ing on the date of enactment of this Act, until
21 the earlier of—

22 (i) the date on which such application
23 is denied; or

1 (ii) two years after the date of enact-
2 ment of this Act, if such a permit has not
3 been issued by such date of enactment.

4 (4) EFFECT OF OTHER LAWS.—

5 (A) APPLICATION TO PROJECTS.—Nothing
6 in this subsection or subsection (d) shall affect
7 the application of any other Federal statute to
8 a project for which a certificate of crossing for
9 a border-crossing facility is requested under
10 this subsection.

11 (B) NATURAL GAS ACT.—Nothing in this
12 subsection or subsection (d) shall affect the re-
13 quirement to obtain approval or authorization
14 under sections 3 and 7 of the Natural Gas Act
15 for the siting, construction, or operation of any
16 facility to import or export natural gas.

17 (C) OIL PIPELINES.—Nothing in this sub-
18 section or subsection (d) shall affect the author-
19 ity of the Federal Energy Regulatory Commis-
20 sion with respect to oil pipelines under section
21 60502 of title 49, United States Code.

22 (b) TRANSMISSION OF ELECTRIC ENERGY TO CAN-
23 ADA AND MEXICO.—

1 (1) REPEAL OF REQUIREMENT TO SECURE
2 ORDER.—Section 202(e) of the Federal Power Act
3 (16 U.S.C. 824a(e)) is repealed.

4 (2) CONFORMING AMENDMENTS.—

5 (A) STATE REGULATIONS.—Section 202(f)
6 of the Federal Power Act (16 U.S.C. 824a(f))
7 is amended by striking “insofar as such State
8 regulation does not conflict with the exercise of
9 the Commission’s powers under or relating to
10 subsection 202(e)”.

11 (B) SEASONAL DIVERSITY ELECTRICITY
12 EXCHANGE.—Section 602(b) of the Public Util-
13 ity Regulatory Policies Act of 1978 (16 U.S.C.
14 824a–4(b)) is amended by striking “the Com-
15 mission has conducted hearings and made the
16 findings required under section 202(e) of the
17 Federal Power Act” and all that follows
18 through the period at the end and inserting
19 “the Secretary has conducted hearings and
20 finds that the proposed transmission facilities
21 would not impair the sufficiency of electric sup-
22 ply within the United States or would not im-
23 pede or tend to impede the coordination in the
24 public interest of facilities subject to the juris-
25 diction of the Secretary.”.

1 (c) NO PRESIDENTIAL PERMIT REQUIRED.—No
2 Presidential permit (or similar permit) shall be required
3 pursuant to any provision of law or Executive order for
4 the construction, connection, operation, or maintenance of
5 an oil or natural gas pipeline or electric transmission facil-
6 ity, or any border-crossing facility thereof.

7 (d) MODIFICATIONS TO EXISTING PROJECTS.—No
8 certificate of crossing under subsection (a), or Presidential
9 permit (or similar permit), shall be required for a modi-
10 fication to—

11 (1) an oil or natural gas pipeline or electric
12 transmission facility that is operating for the import
13 or export of oil or natural gas or the transmission
14 of electricity as of the date of enactment of this Act;

15 (2) an oil or natural gas pipeline or electric
16 transmission facility for which a Presidential permit
17 (or similar permit) has been issued pursuant to any
18 provision of law or Executive order; or

19 (3) a border-crossing facility for which a certifi-
20 cate of crossing has previously been issued under
21 subsection (a).

22 (e) PROHIBITION ON REVOCATION OF PRESIDENTIAL
23 PERMITS.—Notwithstanding any other provision of law,
24 the President may not revoke a Presidential permit (or
25 similar permit) issued pursuant to Executive Order No.

1 13337 (3 U.S.C. 301 note), Executive Order No. 11423
2 (3 U.S.C. 301 note), Executive Order No. 12038 (43 Fed.
3 Reg. 4957), Executive Order No. 10485 (18 Fed. Reg.
4 5397), or any other Executive order for the construction,
5 connection, operation, or maintenance of an oil or natural
6 gas pipeline or electric transmission facility, or any bor-
7 der-crossing facility thereof, unless such revocation is au-
8 thorized by an Act of Congress.

9 (f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

10 (1) EFFECTIVE DATE.—Subsections (a)
11 through (d), and the amendments made by such
12 subsections, shall take effect on the date that is 1
13 year after the date of enactment of this Act.

14 (2) RULEMAKING DEADLINES.—Each relevant
15 official or agency described in subsection (a)(2)(B)
16 shall—

17 (A) not later than 180 days after the date
18 of enactment of this Act, publish in the Federal
19 Register notice of a proposed rulemaking to
20 carry out the applicable requirements of sub-
21 section (a); and

22 (B) not later than 1 year after the date of
23 enactment of this Act, publish in the Federal
24 Register a final rule to carry out the applicable
25 requirements of subsection (a).

1 (g) DEFINITIONS.—In this section:

2 (1) BORDER-CROSSING FACILITY.—The term
3 “border-crossing facility” means the portion of an oil
4 or natural gas pipeline or electric transmission facil-
5 ity that is located at an international boundary of
6 the United States.

7 (2) MODIFICATION.—The term “modification”
8 includes a reversal of flow direction, change in own-
9 ership, change in flow volume, addition or removal
10 of an interconnection, or an adjustment to maintain
11 flow (such as a reduction or increase in the number
12 of pump or compressor stations).

13 (3) NATURAL GAS.—The term “natural gas”
14 has the meaning given that term in section 2 of the
15 Natural Gas Act (15 U.S.C. 717a).

16 (4) OIL.—The term “oil” means petroleum or
17 a petroleum product.

18 (5) ELECTRIC RELIABILITY ORGANIZATION; RE-
19 GIONAL ENTITY.—The terms “Electric Reliability
20 Organization” and “regional entity” have the mean-
21 ings given those terms in section 215 of the Federal
22 Power Act (16 U.S.C. 824o).

23 (6) INDEPENDENT SYSTEM OPERATOR; RE-
24 GIONAL TRANSMISSION ORGANIZATION.—The terms
25 “Independent System Operator” and “Regional

1 Transmission Organization” have the meanings
2 given those terms in section 3 of the Federal Power
3 Act (16 U.S.C. 796).

4 **SEC. 10005. SENSE OF CONGRESS EXPRESSING DIS-**
5 **APPROVAL OF THE REVOCATION OF THE**
6 **PRESIDENTIAL PERMIT FOR THE KEYSTONE**
7 **XL PIPELINE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) On March 29, 2019, TransCanada Key-
10 stone Pipeline, L.P., was granted a Presidential per-
11 mit to construct, connect, operate, and maintain the
12 Keystone XL pipeline.

13 (2) On January 20, 2021, President Biden
14 issued Executive Order No. 13990 (86 Fed. Reg.
15 7037) that revoked the March 2019 Presidential
16 permit for the Keystone XL.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that Congress disapproves of the revocation by
19 President Biden of the Presidential permit for the Key-
20 stone XL pipeline.

21 **SEC. 10006. SENSE OF CONGRESS OPPOSING RESTRICTIONS**
22 **ON THE EXPORT OF CRUDE OIL OR OTHER**
23 **PETROLEUM PRODUCTS.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) The United States has enjoyed a renaiss-
2 sance in energy production, with the expansion of
3 domestic crude oil and other petroleum product pro-
4 duction contributing to enhanced energy security
5 and significant economic benefits to the national
6 economy.

7 (2) In 2015, Congress recognized the need to
8 adapt to changing crude oil market conditions and
9 repealed all restrictions on the export of crude oil on
10 a bipartisan basis.

11 (3) Section 101 of title I of division O of the
12 Consolidated Appropriations Act, 2016 (42 U.S.C.
13 6212a) established the national policy on oil export
14 restriction, prohibiting any official of the Federal
15 Government from imposing or enforcing any restric-
16 tions on the export of crude oil with limited excep-
17 tions, including a savings clause maintaining the au-
18 thority to prohibit exports under any provision of
19 law that imposes sanctions on a foreign person or
20 foreign government (including any provision of law
21 that prohibits or restricts United States persons
22 from engaging in a transaction with a sanctioned
23 person or government), including a foreign govern-
24 ment that is designated as a state sponsor of ter-
25 rorism.

1 (4) Lifting the restrictions on crude oil exports
2 encouraged additional domestic energy production,
3 created American jobs and economic development,
4 and allowed the United States to emerge as the lead-
5 ing oil producer in the world.

6 (5) In 2019, the United States became a net
7 exporter of petroleum products for the first time
8 since 1952, and the reliance of the United States on
9 foreign imports of petroleum products has declined
10 to historic lows.

11 (6) Free trade, open markets, and competition
12 have contributed to the rise of the United States as
13 a global energy superpower.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the Federal Government should not impose—

16 (1) overly restrictive regulations on the explo-
17 ration, production, or marketing of energy resources;
18 or

19 (2) any restrictions on the export of crude oil
20 or other petroleum products under the Energy Pol-
21 icy and Conservation Act (42 U.S.C. 6201 et seq.),
22 except with respect to the export of crude oil or
23 other petroleum products to a foreign person or for-
24 eign government subject to sanctions under any pro-
25 vision of United States law, including to a country

1 the government of which is designated as a state
2 sponsor of terrorism.

3 **SEC. 10007. SENSE OF CONGRESS EXPRESSING DIS-**
4 **APPROVAL OF THE DENIAL OF JORDAN COVE**
5 **PERMITS.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) On March 19, 2020, the Federal Energy
8 Regulatory Commission granted two Federal permits
9 to Jordan Cove Energy Project, L.P., to site, con-
10 struct, and operate a new liquefied natural gas ex-
11 port terminal in Coos County, Oregon.

12 (2) On the same day, the Federal Energy Regu-
13 latory Commission issued a certificate of public con-
14 venience and necessity to Pacific Connector Gas
15 Pipeline, L.P., to construct and operate the proposed
16 Pacific Connector Pipeline in the counties of Klam-
17 ath, Jackson, Douglas, and Coos of Oregon.

18 (3) The State of Oregon denied the permits and
19 the certificate necessary for these projects.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that Congress disapproves of the denial of these per-
22 mits by the State of Oregon.

23 **SEC. 10008. UNLOCKING OUR DOMESTIC LNG POTENTIAL.**

24 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
25 is amended—

1 (1) by striking subsections (a) through (c);

2 (2) by redesignating subsections (e) and (f) as
3 subsections (a) and (b), respectively;

4 (3) by redesignating subsection (d) as sub-
5 section (e), and moving such subsection after sub-
6 section (b), as so redesignated;

7 (4) in subsection (a), as so redesignated, by
8 amending paragraph (1) to read as follows: “(1) The
9 Federal Energy Regulatory Commission (in this sub-
10 section referred to as the ‘Commission’) shall have
11 the exclusive authority to approve or deny an appli-
12 cation for authorization for the siting, construction,
13 expansion, or operation of a facility to export nat-
14 ural gas from the United States to a foreign country
15 or import natural gas from a foreign country, in-
16 cluding an LNG terminal. In determining whether to
17 approve or deny an application under this para-
18 graph, the Commission shall deem the exportation or
19 importation of natural gas to be consistent with the
20 public interest. Except as specifically provided in
21 this Act, nothing in this Act is intended to affect
22 otherwise applicable law related to any Federal
23 agency’s authorities or responsibilities related to fa-
24 cilities to import or export natural gas, including
25 LNG terminals.”; and

1 (5) by adding at the end the following new sub-
2 section:

3 “(d)(1) Nothing in this Act limits the authority of
4 the President under the Constitution, the International
5 Emergency Economic Powers Act (50 U.S.C. 1701 et
6 seq.), the National Emergencies Act (50 U.S.C. 1601 et
7 seq.), part B of title II of the Energy Policy and Conserva-
8 tion Act (42 U.S.C. 6271 et seq.), the Trading With the
9 Enemy Act (50 U.S.C. 4301 et seq.), or any other provi-
10 sion of law that imposes sanctions on a foreign person or
11 foreign government (including any provision of law that
12 prohibits or restricts United States persons from engaging
13 in a transaction with a sanctioned person or government),
14 including a country that is designated as a state sponsor
15 of terrorism, to prohibit imports or exports.

16 “(2) In this subsection, the term ‘state sponsor of ter-
17 rorism’ means a country the government of which the Sec-
18 retary of State determines has repeatedly provided sup-
19 port for international terrorism pursuant to—

20 “(A) section 1754(c)(1)(A) of the Export Con-
21 trol Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

22 “(B) section 620A of the Foreign Assistance
23 Act of 1961 (22 U.S.C. 2371);

24 “(C) section 40 of the Arms Export Control Act
25 (22 U.S.C. 2780); or

1 “(D) any other provision of law.”.

2 **SEC. 10009. PROMOTING INTERAGENCY COORDINATION**
3 **FOR REVIEW OF NATURAL GAS PIPELINES.**

4 (a) DEFINITIONS.—In this section:

5 (1) COMMISSION.—The term “Commission”
6 means the Federal Energy Regulatory Commission.

7 (2) FEDERAL AUTHORIZATION.—The term
8 “Federal authorization” has the meaning given that
9 term in section 15(a) of the Natural Gas Act (15
10 U.S.C. 717n(a)).

11 (3) NEPA REVIEW.—The term “NEPA review”
12 means the process of reviewing a proposed Federal
13 action under section 102 of the National Environ-
14 mental Policy Act of 1969 (42 U.S.C. 4332).

15 (4) PROJECT-RELATED NEPA REVIEW.—The
16 term “project-related NEPA review” means any
17 NEPA review required to be conducted with respect
18 to the issuance of an authorization under section 3
19 of the Natural Gas Act or a certificate of public con-
20 venience and necessity under section 7 of such Act.

21 (b) COMMISSION NEPA REVIEW RESPONSIBIL-
22 ITIES.—In acting as the lead agency under section
23 15(b)(1) of the Natural Gas Act for the purposes of com-
24 plying with the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.) with respect to an author-

1 ization under section 3 of the Natural Gas Act or a certifi-
2 cate of public convenience and necessity under section 7
3 of such Act, the Commission shall, in accordance with this
4 section and other applicable Federal law—

5 (1) be the only lead agency;

6 (2) coordinate as early as practicable with each
7 agency designated as a participating agency under
8 subsection (d)(3) to ensure that the Commission de-
9 velops information in conducting its project-related
10 NEPA review that is usable by the participating
11 agency in considering an aspect of an application for
12 a Federal authorization for which the agency is re-
13 sponsible; and

14 (3) take such actions as are necessary and
15 proper to facilitate the expeditious resolution of its
16 project-related NEPA review.

17 (c) DEFERENCE TO COMMISSION.—In making a deci-
18 sion with respect to a Federal authorization required with
19 respect to an application for authorization under section
20 3 of the Natural Gas Act or a certificate of public conven-
21 ience and necessity under section 7 of such Act, each agen-
22 cy shall give deference, to the maximum extent authorized
23 by law, to the scope of the project-related NEPA review
24 that the Commission determines to be appropriate.

25 (d) PARTICIPATING AGENCIES.—

1 (1) IDENTIFICATION.—The Commission shall
2 identify, not later than 30 days after the Commis-
3 sion receives an application for an authorization
4 under section 3 of the Natural Gas Act or a certifi-
5 cate of public convenience and necessity under sec-
6 tion 7 of such Act, any Federal or State agency,
7 local government, or Indian Tribe that may issue a
8 Federal authorization or is required by Federal law
9 to consult with the Commission in conjunction with
10 the issuance of a Federal authorization required for
11 such authorization or certificate.

12 (2) INVITATION.—

13 (A) IN GENERAL.—Not later than 45 days
14 after the Commission receives an application for
15 an authorization under section 3 of the Natural
16 Gas Act or a certificate of public convenience
17 and necessity under section 7 of such Act, the
18 Commission shall invite any agency identified
19 under paragraph (1) to participate in the review
20 process for the applicable Federal authorization.

21 (B) DEADLINE.—An invitation issued
22 under subparagraph (A) shall establish a dead-
23 line by which a response to the invitation shall
24 be submitted to the Commission, which may be
25 extended by the Commission for good cause.

1 (3) DESIGNATION AS PARTICIPATING AGEN-
2 CIES.—Not later than 60 days after the Commission
3 receives an application for an authorization under
4 section 3 of the Natural Gas Act or a certificate of
5 public convenience and necessity under section 7 of
6 such Act, the Commission shall designate an agency
7 identified under paragraph (1) as a participating
8 agency with respect to an application for authoriza-
9 tion under section 3 of the Natural Gas Act or a
10 certificate of public convenience and necessity under
11 section 7 of such Act unless the agency informs the
12 Commission, in writing, by the deadline established
13 pursuant to paragraph (2)(B), that the agency—

14 (A) has no jurisdiction or authority with
15 respect to the applicable Federal authorization;

16 (B) has no special expertise or information
17 relevant to any project-related NEPA review; or

18 (C) does not intend to submit comments
19 for the record for the project-related NEPA re-
20 view conducted by the Commission.

21 (4) EFFECT OF NON-DESIGNATION.—

22 (A) EFFECT ON AGENCY.—Any agency
23 that is not designated as a participating agency
24 under paragraph (3) with respect to an applica-
25 tion for an authorization under section 3 of the

1 Natural Gas Act or a certificate of public con-
2 venience and necessity under section 7 of such
3 Act may not request or conduct a NEPA review
4 that is supplemental to the project-related
5 NEPA review conducted by the Commission,
6 unless the agency—

7 (i) demonstrates that such review is
8 legally necessary for the agency to carry
9 out responsibilities in considering an as-
10 pect of an application for a Federal au-
11 thorization; and

12 (ii) requires information that could
13 not have been obtained during the project-
14 related NEPA review conducted by the
15 Commission.

16 (B) COMMENTS; RECORD.—The Commis-
17 sion shall not, with respect to an agency that is
18 not designated as a participating agency under
19 paragraph (3) with respect to an application for
20 an authorization under section 3 of the Natural
21 Gas Act or a certificate of public convenience
22 and necessity under section 7 of such Act—

23 (i) consider any comments or other in-
24 formation submitted by such agency for

1 the project-related NEPA review conducted
2 by the Commission; or

3 (ii) include any such comments or
4 other information in the record for such
5 project-related NEPA review.

6 (e) WATER QUALITY IMPACTS.—

7 (1) IN GENERAL.—Notwithstanding section 401
8 of the Federal Water Pollution Control Act (33
9 U.S.C. 1341), an applicant for a Federal authoriza-
10 tion shall not be required to provide a certification
11 under such section with respect to the Federal au-
12 thorization.

13 (2) COORDINATION.—With respect to any
14 NEPA review for a Federal authorization to conduct
15 an activity that will directly result in a discharge
16 into the navigable waters (within the meaning of the
17 Federal Water Pollution Control Act), the Commis-
18 sion shall identify as an agency under subsection
19 (d)(1) the State in which the discharge originates or
20 will originate, or, if appropriate, the interstate water
21 pollution control agency having jurisdiction over the
22 navigable waters at the point where the discharge
23 originates or will originate.

24 (3) PROPOSED CONDITIONS.—A State or inter-
25 state agency designated as a participating agency

1 pursuant to paragraph (2) may propose to the Com-
2 mission terms or conditions for inclusion in an au-
3 thorization under section 3 of the Natural Gas Act
4 or a certificate of public convenience and necessity
5 under section 7 of such Act that the State or inter-
6 state agency determines are necessary to ensure that
7 any activity described in paragraph (2) conducted
8 pursuant to such authorization or certification will
9 comply with the applicable provisions of sections
10 301, 302, 303, 306, and 307 of the Federal Water
11 Pollution Control Act.

12 (4) COMMISSION CONSIDERATION OF CONDI-
13 TIONS.—The Commission may include a term or
14 condition in an authorization under section 3 of the
15 Natural Gas Act or a certificate of public conven-
16 ience and necessity under section 7 of such Act pro-
17 posed by a State or interstate agency under para-
18 graph (3) only if the Commission finds that the term
19 or condition is necessary to ensure that any activity
20 described in paragraph (2) conducted pursuant to
21 such authorization or certification will comply with
22 the applicable provisions of sections 301, 302, 303,
23 306, and 307 of the Federal Water Pollution Con-
24 trol Act.

25 (f) SCHEDULE.—

1 (1) DEADLINE FOR FEDERAL AUTHORIZA-
2 TIONS.—A deadline for a Federal authorization re-
3 quired with respect to an application for authoriza-
4 tion under section 3 of the Natural Gas Act or a
5 certificate of public convenience and necessity under
6 section 7 of such Act set by the Commission under
7 section 15(c)(1) of such Act shall be not later than
8 90 days after the Commission completes its project-
9 related NEPA review, unless an applicable schedule
10 is otherwise established by Federal law.

11 (2) CONCURRENT REVIEWS.—Each Federal and
12 State agency—

13 (A) that may consider an application for a
14 Federal authorization required with respect to
15 an application for authorization under section 3
16 of the Natural Gas Act or a certificate of public
17 convenience and necessity under section 7 of
18 such Act shall formulate and implement a plan
19 for administrative, policy, and procedural mech-
20 anisms to enable the agency to ensure comple-
21 tion of Federal authorizations in compliance
22 with schedules established by the Commission
23 under section 15(c)(1) of such Act; and

24 (B) in considering an aspect of an applica-
25 tion for a Federal authorization required with

1 respect to an application for authorization
2 under section 3 of the Natural Gas Act or a
3 certificate of public convenience and necessity
4 under section 7 of such Act, shall—

5 (i) formulate and implement a plan to
6 enable the agency to comply with the
7 schedule established by the Commission
8 under section 15(c)(1) of such Act;

9 (ii) carry out the obligations of that
10 agency under applicable law concurrently,
11 and in conjunction with, the project-related
12 NEPA review conducted by the Commis-
13 sion, and in compliance with the schedule
14 established by the Commission under sec-
15 tion 15(c)(1) of such Act, unless the agen-
16 cy notifies the Commission in writing that
17 doing so would impair the ability of the
18 agency to conduct needed analysis or oth-
19 erwise carry out such obligations;

20 (iii) transmit to the Commission a
21 statement—

22 (I) acknowledging receipt of the
23 schedule established by the Commis-
24 sion under section 15(c)(1) of the
25 Natural Gas Act; and

1 (II) setting forth the plan formu-
2 lated under clause (i) of this subpara-
3 graph;

4 (iv) not later than 30 days after the
5 agency receives such application for a Fed-
6 eral authorization, transmit to the appli-
7 cant a notice—

8 (I) indicating whether such appli-
9 cation is ready for processing; and

10 (II) if such application is not
11 ready for processing, that includes a
12 comprehensive description of the in-
13 formation needed for the agency to
14 determine that the application is
15 ready for processing;

16 (v) determine that such application
17 for a Federal authorization is ready for
18 processing for purposes of clause (iv) if
19 such application is sufficiently complete for
20 the purposes of commencing consideration,
21 regardless of whether supplemental infor-
22 mation is necessary to enable the agency to
23 complete the consideration required by law
24 with respect to such application; and

1 (vi) not less often than once every 90
2 days, transmit to the Commission a report
3 describing the progress made in consid-
4 ering such application for a Federal au-
5 thorization.

6 (3) FAILURE TO MEET DEADLINE.—If a Fed-
7 eral or State agency, including the Commission, fails
8 to meet a deadline for a Federal authorization set
9 forth in the schedule established by the Commission
10 under section 15(c)(1) of the Natural Gas Act, not
11 later than 5 days after such deadline, the head of
12 the relevant Federal agency (including, in the case
13 of a failure by a State agency, the Federal agency
14 overseeing the delegated authority) shall notify Con-
15 gress and the Commission of such failure and set
16 forth a recommended implementation plan to ensure
17 completion of the action to which such deadline ap-
18 plied.

19 (g) CONSIDERATION OF APPLICATIONS FOR FED-
20 ERAL AUTHORIZATION.—

21 (1) ISSUE IDENTIFICATION AND RESOLU-
22 TION.—

23 (A) IDENTIFICATION.—Federal and State
24 agencies that may consider an aspect of an ap-
25 plication for a Federal authorization shall iden-

1 tify, as early as possible, any issues of concern
2 that may delay or prevent an agency from
3 working with the Commission to resolve such
4 issues and granting such authorization.

5 (B) ISSUE RESOLUTION.—The Commission
6 may forward any issue of concern identified
7 under subparagraph (A) to the heads of the rel-
8 evant agencies (including, in the case of an
9 issue of concern that is a failure by a State
10 agency, the Federal agency overseeing the dele-
11 gated authority, if applicable) for resolution.

12 (2) REMOTE SURVEYS.—If a Federal or State
13 agency considering an aspect of an application for a
14 Federal authorization requires the person applying
15 for such authorization to submit data, the agency
16 shall consider any such data gathered by aerial or
17 other remote means that the person submits. The
18 agency may grant a conditional approval for the
19 Federal authorization based on data gathered by
20 aerial or remote means, conditioned on the
21 verification of such data by subsequent onsite in-
22 spection.

23 (3) APPLICATION PROCESSING.—The Commis-
24 sion, and Federal and State agencies, may allow a
25 person applying for a Federal authorization to fund

1 a third-party contractor to assist in reviewing the
2 application for such authorization.

3 (h) ACCOUNTABILITY, TRANSPARENCY, EFFI-
4 CIENCY.—For an application for an authorization under
5 section 3 of the Natural Gas Act or a certificate of public
6 convenience and necessity under section 7 of such Act that
7 requires multiple Federal authorizations, the Commission,
8 with input from any Federal or State agency considering
9 an aspect of the application, shall track and make avail-
10 able to the public on the Commission’s website information
11 related to the actions required to complete the Federal au-
12 thorizations. Such information shall include the following:

13 (1) The schedule established by the Commission
14 under section 15(c)(1) of the Natural Gas Act.

15 (2) A list of all the actions required by each ap-
16 plicable agency to complete permitting, reviews, and
17 other actions necessary to obtain a final decision on
18 the application.

19 (3) The expected completion date for each such
20 action.

21 (4) A point of contact at the agency responsible
22 for each such action.

23 (5) In the event that an action is still pending
24 as of the expected date of completion, a brief expla-
25 nation of the reasons for the delay.

1 (i) PIPELINE SECURITY.—In considering an applica-
2 tion for an authorization under section 3 of the Natural
3 Gas Act or a certificate of public convenience and neces-
4 sity under section 7 of such Act, the Federal Energy Reg-
5 ulatory Commission shall consult with the Administrator
6 of the Transportation Security Administration regarding
7 the applicant’s compliance with security guidance and best
8 practice recommendations of the Administration regarding
9 pipeline infrastructure security, pipeline cybersecurity,
10 pipeline personnel security, and other pipeline security
11 measures.

12 (j) WITHDRAWAL OF POLICY STATEMENTS.—The
13 Federal Energy Regulatory Commission shall withdraw—

14 (1) the updated policy statement titled “Certifi-
15 cation of New Interstate Natural Gas Facilities”
16 published in the Federal Register on March 1, 2022
17 (87 Fed. Reg. 11548); and

18 (2) the interim policy statement titled “Consid-
19 eration of Greenhouse Gas Emissions in Natural
20 Gas Infrastructure Project Reviews” published in
21 the Federal Register on March 11, 2022 (87 Fed.
22 Reg. 14104).

1 **SEC. 10010. INTERIM HAZARDOUS WASTE PERMITS FOR**
2 **CRITICAL ENERGY RESOURCE FACILITIES.**

3 Section 3005(e) of the Solid Waste Disposal Act (42
4 U.S.C. 6925(e)) is amended—

5 (1) in paragraph (1)(A)—

6 (A) in clause (i), by striking “or” at the
7 end;

8 (B) in clause (ii), by inserting “or” after
9 “this section,”; and

10 (C) by adding at the end the following:

11 “(iii) is a critical energy resource facility,”;

12 and

13 (2) by adding at the end the following:

14 “(4) DEFINITIONS.—For the purposes of this sub-
15 section:

16 “(A) CRITICAL ENERGY RESOURCE.—The term
17 ‘critical energy resource’ means, as determined by
18 the Secretary of Energy, any energy resource—

19 “(i) that is essential to the energy sector
20 and energy systems of the United States; and

21 “(ii) the supply chain of which is vulner-
22 able to disruption.

23 “(B) CRITICAL ENERGY RESOURCE FACILITY.—

24 The term ‘critical energy resource facility’ means a
25 facility that processes or refines a critical energy re-
26 source.”.

1 **SEC. 10011. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY**
2 **RESOURCE FACILITIES.**

3 (a) IN GENERAL.—The Administrator of the Envi-
4 ronmental Protection Agency shall, as necessary, revise
5 regulations under parts 70 and 71 of title 40, Code of
6 Federal Regulations, to—

7 (1) authorize the owner or operator of a critical
8 energy resource facility to utilize flexible air permit-
9 ting (as described in the final rule titled “Operating
10 Permit Programs; Flexible Air Permitting Rule”
11 published by the Environmental Protection Agency
12 in the Federal Register on October 6, 2009 (74 Fed.
13 Reg. 51418)) with respect to such critical energy re-
14 source facility; and

15 (2) facilitate flexible, market-responsive oper-
16 ations (as described in the final rule identified in
17 paragraph (1)) with respect to critical energy re-
18 source facilities.

19 (b) DEFINITIONS.—In this section:

20 (1) CRITICAL ENERGY RESOURCE.—The term
21 “critical energy resource” means, as determined by
22 the Secretary of Energy, any energy resource—

23 (A) that is essential to the energy sector
24 and energy systems of the United States; and

25 (B) the supply chain of which is vulnerable
26 to disruption.

1 (2) CRITICAL ENERGY RESOURCE FACILITY.—
2 The term “critical energy resource facility” means a
3 facility that processes or refines a critical energy re-
4 source.

5 **SEC. 10012. NATIONAL SECURITY OR ENERGY SECURITY**
6 **WAIVERS TO PRODUCE CRITICAL ENERGY**
7 **RESOURCES.**

8 (a) CLEAN AIR ACT REQUIREMENTS.—

9 (1) IN GENERAL.—If the Administrator of the
10 Environmental Protection Agency, in consultation
11 with the Secretary of Energy, determines that, by
12 reason of a sudden increase in demand for, or a
13 shortage of, a critical energy resource, or another
14 cause, the processing or refining of a critical energy
15 resource at a critical energy resource facility is nec-
16 essary to meet the national security or energy secu-
17 rity needs of the United States, then the Adminis-
18 trator may, with or without notice, hearing, or other
19 report, issue a temporary waiver of any requirement
20 under the Clean Air Act (42 U.S.C. 7401 et seq.)
21 with respect to such critical energy resource facility
22 that, in the judgment of the Administrator, will
23 allow for such processing or refining at such critical
24 energy resource facility as necessary to best meet
25 such needs and serve the public interest.

1 (2) CONFLICT WITH OTHER ENVIRONMENTAL
2 LAWS.—The Administrator shall ensure that any
3 waiver of a requirement under the Clean Air Act
4 under this subsection, to the maximum extent prac-
5 ticable, does not result in a conflict with a require-
6 ment of any other applicable Federal, State, or local
7 environmental law or regulation and minimizes any
8 adverse environmental impacts.

9 (3) VIOLATIONS OF OTHER ENVIRONMENTAL
10 LAWS.—To the extent any omission or action taken
11 by a party under a waiver issued under this sub-
12 section is in conflict with any requirement of a Fed-
13 eral, State, or local environmental law or regulation,
14 such omission or action shall not be considered a
15 violation of such environmental law or regulation, or
16 subject such party to any requirement, civil or crimi-
17 nal liability, or a citizen suit under such environ-
18 mental law or regulation.

19 (4) EXPIRATION AND RENEWAL OF WAIVERS.—
20 A waiver issued under this subsection shall expire
21 not later than 90 days after it is issued. The Admin-
22 istrator may renew or reissue such waiver pursuant
23 to paragraphs (1) and (2) for subsequent periods,
24 not to exceed 90 days for each period, as the Admin-
25 istrator determines necessary to meet the national

1 security or energy security needs described in para-
2 graph (1) and serve the public interest. In renewing
3 or reissuing a waiver under this paragraph, the Ad-
4 ministrator shall include in any such renewed or re-
5 issued waiver such conditions as are necessary to
6 minimize any adverse environmental impacts to the
7 extent practicable.

8 (5) SUBSEQUENT ACTION BY COURT.—If a
9 waiver issued under this subsection is subsequently
10 stayed, modified, or set aside by a court pursuant a
11 provision of law, any omission or action previously
12 taken by a party under the waiver while the waiver
13 was in effect shall remain subject to paragraph (3).

14 (6) CRITICAL ENERGY RESOURCE; CRITICAL EN-
15 ERGY RESOURCE FACILITY DEFINED.—The terms
16 “critical energy resource” and “critical energy re-
17 source facility” have the meanings given such terms
18 in section 3025(f) of the Solid Waste Disposal Act
19 (as added by this section).

20 (b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

21 (1) HAZARDOUS WASTE MANAGEMENT.—The
22 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
23 is amended by inserting after section 3024 the fol-
24 lowing:

1 **“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE**
2 **FACILITIES.**

3 “(a) IN GENERAL.—If the Administrator, in con-
4 sultation with the Secretary of Energy, determines that,
5 by reason of a sudden increase in demand for, or a short-
6 age of, a critical energy resource, or another cause, the
7 processing or refining of a critical energy resource at a
8 critical energy resource facility is necessary to meet the
9 national security or energy security needs of the United
10 States, then the Administrator may, with or without no-
11 tice, hearing, or other report, issue a temporary waiver
12 of any covered requirement with respect to such critical
13 energy resource facility that, in the judgment of the Ad-
14 ministrator, will allow for such processing or refining at
15 such critical energy resource facility as necessary to best
16 meet such needs and serve the public interest.

17 “(b) CONFLICT WITH OTHER ENVIRONMENTAL
18 LAWS.—The Administrator shall ensure that any waiver
19 of a covered requirement under this section, to the max-
20 imum extent practicable, does not result in a conflict with
21 a requirement of any other applicable Federal, State, or
22 local environmental law or regulation and minimizes any
23 adverse environmental impacts.

24 “(c) VIOLATIONS OF OTHER ENVIRONMENTAL
25 LAWS.—To the extent any omission or action taken by
26 a party under a waiver issued under this section is in con-

1 flict with any requirement of a Federal, State, or local
2 environmental law or regulation, such omission or action
3 shall not be considered a violation of such environmental
4 law or regulation, or subject such party to any require-
5 ment, civil or criminal liability, or a citizen suit under such
6 environmental law or regulation.

7 “(d) EXPIRATION AND RENEWAL OF WAIVERS.—A
8 waiver issued under this section shall expire not later than
9 90 days after it is issued. The Administrator may renew
10 or reissue such waiver pursuant to subsections (a) and (b)
11 for subsequent periods, not to exceed 90 days for each pe-
12 riod, as the Administrator determines necessary to meet
13 the national security or energy security needs described
14 in subsection (a) and serve the public interest. In renewing
15 or reissuing a waiver under this subsection, the Adminis-
16 trator shall include in any such renewed or reissued waiver
17 such conditions as are necessary to minimize any adverse
18 environmental impacts to the extent practicable.

19 “(e) SUBSEQUENT ACTION BY COURT.—If a waiver
20 issued under this section is subsequently stayed, modified,
21 or set aside by a court pursuant a provision of law, any
22 omission or action previously taken by a party under the
23 waiver while the waiver was in effect shall remain subject
24 to subsection (c).

25 “(f) DEFINITIONS.—In this section:

1 “(1) COVERED REQUIREMENT.—The term ‘cov-
2 ered requirement’ means—

3 “(A) any standard established under sec-
4 tion 3002, 3003, or 3004;

5 “(B) the permit requirement under section
6 3005; or

7 “(C) any other requirement of this Act, as
8 the Administrator determines appropriate.

9 “(2) CRITICAL ENERGY RESOURCE.—The term
10 ‘critical energy resource’ means, as determined by
11 the Secretary of Energy, any energy resource—

12 “(A) that is essential to the energy sector
13 and energy systems of the United States; and

14 “(B) the supply chain of which is vulner-
15 able to disruption.

16 “(3) CRITICAL ENERGY RESOURCE FACILITY.—
17 The term ‘critical energy resource facility’ means a
18 facility that processes or refines a critical energy re-
19 source.”.

20 (2) TABLE OF CONTENTS.—The table of con-
21 tents of the Solid Waste Disposal Act is amended by
22 inserting after the item relating to section 3024 the
23 following:

“Sec. 3025. Waivers for critical energy resource facilities.”.

1 **SEC. 10013. ENDING FUTURE DELAYS IN CHEMICAL SUB-**
2 **STANCE REVIEW FOR CRITICAL ENERGY RE-**
3 **SOURCES.**

4 Section 5(a) of the Toxic Substances Control Act (15
5 U.S.C. 2604(a)) is amended by adding at the end the fol-
6 lowing:

7 “(6) CRITICAL ENERGY RESOURCES.—

8 “(A) STANDARD.—For purposes of a de-
9 termination under paragraph (3) with respect
10 to a chemical substance that is a critical energy
11 resource, the Administrator shall take into con-
12 sideration economic, societal, and environmental
13 costs and benefits, notwithstanding any require-
14 ment of this section to not take such factors
15 into consideration.

16 “(B) FAILURE TO RENDER DETERMINA-
17 TION.—

18 “(i) ACTIONS AUTHORIZED.—If, with
19 respect to a chemical substance that is a
20 critical energy resource, the Administrator
21 fails to make a determination on a notice
22 under paragraph (3) by the end of the ap-
23 plicable review period and the notice has
24 not been withdrawn by the submitter, the
25 submitter may take the actions described
26 in paragraph (1)(A) with respect to the

1 chemical substance, and the Administrator
2 shall be relieved of any requirement to
3 make such determination.

4 “(ii) NON-DUPLICATION.—A refund of
5 applicable fees under paragraph (4)(A)
6 shall not be made if a submitter takes an
7 action described in paragraph (1)(A) under
8 this subparagraph.

9 “(C) PREREQUISITE FOR SUGGESTION OF
10 WITHDRAWAL OR SUSPENSION.—The Adminis-
11 trator may not suggest to, or request of, a sub-
12 mitter of a notice under this subsection for a
13 chemical substance that is a critical energy re-
14 source that such submitter withdraw such no-
15 tice, or request a suspension of the running of
16 the applicable review period with respect to
17 such notice, unless the Administrator has—

18 “(i) conducted a preliminary review of
19 such notice; and

20 “(ii) provided to the submitter a draft
21 of a determination under paragraph (3),
22 including any supporting information.

23 “(D) DEFINITION.—For purposes of this
24 paragraph, the term ‘critical energy resource’

1 means, as determined by the Secretary of En-
2 ergy, any energy resource—

3 “(i) that is essential to the energy sec-
4 tor and energy systems of the United
5 States; and

6 “(ii) the supply chain of which is vul-
7 nerable to disruption.”.

8 **SEC. 10014. NATURAL GAS TAX REPEAL.**

9 (a) REPEAL.—Section 136 of the Clean Air Act (42
10 U.S.C. 7436)(relating to methane emissions and waste re-
11 duction incentive program for petroleum and natural gas
12 systems) is repealed.

13 (b) RESCISSION.—The unobligated balance of any
14 amounts made available under section 136 of the Clean
15 Air Act (42 U.S.C. 7436)(as in effect on the day before
16 the date of enactment of this Act) is rescinded.

17 **SEC. 10015. REPEAL OF GREENHOUSE GAS REDUCTION**
18 **FUND.**

19 (a) REPEAL.—Section 134 of the Clean Air Act (42
20 U.S.C. 7434)(relating to the greenhouse gas reduction
21 fund) is repealed.

22 (b) RESCISSION.—The unobligated balance of any
23 amounts made available under section 134 of the Clean
24 Air Act (42 U.S.C. 7434)(as in effect on the day before
25 the date of enactment of this Act) is rescinded.

1 (c) CONFORMING AMENDMENT.—Section 60103 of
2 Public Law 117–169 (relating to the greenhouse gas re-
3 duction fund) is repealed.

4 **SEC. 10016. KEEPING AMERICA’S REFINERIES OPERATING.**

5 (a) IN GENERAL.—The owner or operator of a sta-
6 tionary source described in subsection (b) of this section
7 shall not be required by the regulations promulgated
8 under section 112(r)(7)(B) of the Clean Air Act (42
9 U.S.C. 7412(r)(7)(B)) to include in any hazard assess-
10 ment under clause (ii) of such section 112(r)(7)(B) an as-
11 sessment of safer technology and alternative risk manage-
12 ment measures with respect to the use of hydrofluoric acid
13 in an alkylation unit.

14 (b) STATIONARY SOURCE DESCRIBED.—A stationary
15 source described in this subsection is a stationary source
16 (as defined in section 112(r)(2)(C) of the Clean Air Act
17 (42 U.S.C. 7412(r)(2)(C)) in North American Industry
18 Classification System code 324—

19 (1) for which a construction permit or operating
20 permit has been issued pursuant to the Clean Air
21 Act (42 U.S.C. 7401 et seq.); or

22 (2) for which the owner or operator dem-
23 onstrates to the Administrator of the Environmental
24 Protection Agency that such stationary source con-
25 forms or will conform to the most recent version of

1 American Petroleum Institute Recommended Prac-
2 tice 751.

3 **SEC. 10017. HOMEOWNER ENERGY FREEDOM.**

4 (a) IN GENERAL.—The following are repealed:

5 (1) Section 50122 of Public Law 117–169 (42
6 U.S.C. 18795a) (relating to a high-efficiency electric
7 home rebate program).

8 (2) Section 50123 of Public Law 117–169 (42
9 U.S.C. 18795b) (relating to State-based home en-
10 ergy efficiency contractor training grants).

11 (3) Section 50131 of Public Law 117–169 (136
12 Stat. 2041) (relating to assistance for latest and
13 zero building energy code adoption).

14 (b) RESCISSIONS.—The unobligated balances of any
15 amounts made available under each of sections 50122,
16 50123, and 50131 of Public Law 117–169 (42 U.S.C.
17 18795a, 18795b; 136 Stat. 2041) (as in effect on the day
18 before the date of enactment of this Act) are rescinded.

19 (c) CONFORMING AMENDMENT.—Section
20 50121(c)(7) of Public Law 117–169 (42 U.S.C.
21 18795(c)(7)) is amended by striking “, including a rebate
22 provided under a high-efficiency electric home rebate pro-
23 gram (as defined in section 50122(d)),”.

1 **SEC. 10018. STUDY.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of Energy, in consultation with
4 the Nuclear Regulatory Commission, shall conduct a study
5 on how to streamline regulatory timelines relating to de-
6 veloping new power plants by examining practices relating
7 to various power generating sources, including fossil and
8 nuclear generating sources.

9 **SEC. 10019. STATE PRIMARY ENFORCEMENT RESPONSIB-**
10 **BILITY.**

11 (a) AMENDMENTS.—Section 1422(b) of the Safe
12 Drinking Water Act (42 U.S.C. 300h–1(b)) is amended—

13 (1) in paragraph (2)—

14 (A) by striking “Within ninety days” and
15 inserting “(A) Within ninety days”;

16 (B) by striking “and after reasonable op-
17 portunity for presentation of views”; and

18 (C) by adding at the end the following:

19 “(B) If, after 270 calendar days of a State’s applica-
20 tion being submitted under paragraph (1)(A) or notice
21 being submitted under paragraph (1)(B), the Adminis-
22 trator has not, pursuant to subparagraph (A), by rule ap-
23 proved, disapproved, or approved in part and disapproved
24 in part the State’s underground injection control pro-
25 gram—

1 “(i) the Administrator shall transmit, in writ-
2 ing, to the State a detailed explanation as to the sta-
3 tus of the application or notice; and

4 “(ii) the State’s underground injection control
5 program shall be deemed approved under this sec-
6 tion if—

7 “(I) the Administrator has not after an-
8 other 30 days, pursuant to subparagraph (A),
9 by rule approved, disapproved, or approved in
10 part and disapproved in part the State’s under-
11 ground injection control program; and

12 “(II) the State has established and imple-
13 mented an effective program (including ade-
14 quate recordkeeping and reporting) to prevent
15 underground injection which endangers drink-
16 ing water sources.”;

17 (2) by amending paragraph (4) to read as fol-
18 lows:

19 “(4) Before promulgating any rule under paragraph
20 (2) or (3) of this subsection, the Administrator shall—

21 “(A) provide a reasonable opportunity for pres-
22 entation of views with respect to such rule, including
23 a public hearing and a public comment period; and

1 “(B) publish in the Federal Register notice of
2 the reasonable opportunity for presentation of views
3 provided under subparagraph (A).”;

4 (3) by adding at the end the following:

5 “(5) PREAPPLICATION ACTIVITIES.—The Adminis-
6 trator shall work as expeditiously as possible with States
7 to complete any necessary activities relevant to the sub-
8 mission of an application under paragraph (1)(A) or no-
9 tice under paragraph (1)(B), taking into consideration the
10 need for a complete and detailed submission.

11 “(6) APPLICATION COORDINATION FOR CLASS VI
12 WELLS.—With respect to the underground injection con-
13 trol program for Class VI wells (as defined in section
14 40306(a) of the Infrastructure Investment and Jobs Act
15 (42 U.S.C. 300h–9(a))), the Administrator shall designate
16 one individual at the Agency from each regional office to
17 be responsible for coordinating—

18 “(A) the completion of any necessary activities
19 prior to the submission of an application under
20 paragraph (1)(A) or notice under paragraph (1)(B),
21 in accordance with paragraph (5);

22 “(B) the review of an application submitted
23 under paragraph (1)(A) or notice submitted under
24 paragraph (1)(B);

1 “(C) any reasonable opportunity for presen-
2 tation of views provided under paragraph (4)(A) and
3 any notice published under paragraph (4)(B); and

4 “(D) pursuant to the recommendations included
5 in the report required under paragraph (7), the hir-
6 ing of additional staff to carry out subparagraphs
7 (A) through (C).

8 “(7) EVALUATION OF RESOURCES.—

9 “(A) IN GENERAL.—Not later than 90 days
10 after the date of enactment of this paragraph, the
11 individual designated under paragraph (6) shall
12 transmit to the appropriate Congressional commit-
13 tees a report, including recommendations, regarding
14 the—

15 “(i) availability of staff and resources to
16 promptly carry out the requirements of para-
17 graph (6); and

18 “(ii) additional funding amounts needed to
19 do so.

20 “(B) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES DEFINED.—In this paragraph, the term ‘ap-
22 propriate Congressional Committees’ means—

23 “(i) in the Senate—

24 “(I) the Committee on Environment
25 and Public Works; and

1 “(II) the Committee on Appropria-
2 tions; and

3 “(ii) in the House of Representatives—

4 “(I) the Committee on Energy and
5 Commerce; and

6 “(II) the Committee on Appropria-
7 tions.”.

8 (b) FUNDING.—In each of fiscal years 2023 through
9 2026, amounts made available by title VI of division J
10 of the Infrastructure Investment and Jobs Act under
11 paragraph (7) of the heading “Environmental Protection
12 Agency—State and Tribal Assistance Grants” (Public
13 Law 117–58; 135 Stat. 1402) may also be made available,
14 subject to appropriations, to carry out paragraphs (5), (6),
15 and (7) of section 1422(b) of the Safe Drinking Water
16 Act, as added by this section.

17 (c) RULE OF CONSTRUCTION.—The amendments
18 made by this section shall—

19 (1) apply to all applications submitted to the
20 Environmental Protection Agency after the date of
21 enactment of this Act to establish an underground
22 injection control program under section 1422(b) of
23 the Safe Drinking Water Act (42 U.S.C. 300h–1);
24 and

1 (2) with respect to such applications submitted
2 prior to the date of enactment of this Act, the 270
3 and 300 day deadlines under section 1422(b)(2)(B)
4 of the Safe Drinking Water Act, as added by this
5 section, shall begin on the date of enactment of this
6 Act.

7 **SEC. 10020. USE OF INDEX-BASED PRICING IN ACQUISITION**
8 **OF PETROLEUM PRODUCTS FOR THE SPR.**

9 Section 160(c) of the Energy Policy and Conservation
10 Act (42 U.S.C. 6240(c)) is amended—

11 (1) by redesignating paragraphs (1) through
12 (6) as clauses (i) through (vi), respectively (and ad-
13 justing the margins accordingly);

14 (2) by striking “The Secretary shall” and in-
15 serting the following:

16 “(1) IN GENERAL.—The Secretary shall”; and

17 (3) by striking “Such procedures shall take into
18 account the need to—” and inserting the following:

19 “(2) INCLUSIONS.—Procedures developed under
20 this subsection shall—

21 “(A) require acquisition of petroleum prod-
22 ucts using index-based pricing; and

23 “(B) take into account the need to—”.

1 **SEC. 10021. PROHIBITION ON CERTAIN EXPORTS.**

2 (a) IN GENERAL.—The Energy Policy and Conserva-
3 tion Act is amended by inserting after section 163 (42
4 U.S.C. 6243) the following:

5 **“SEC. 164. PROHIBITION ON CERTAIN EXPORTS.**

6 “(a) IN GENERAL.—The Secretary shall prohibit the
7 export or sale of petroleum products drawn down from the
8 Strategic Petroleum Reserve, under any provision of law,
9 to—

10 “(1) the People’s Republic of China;

11 “(2) the Democratic People’s Republic of
12 Korea;

13 “(3) the Russian Federation;

14 “(4) the Islamic Republic of Iran;

15 “(5) any other country the government of which
16 is subject to sanctions imposed by the United States;
17 and

18 “(6) any entity owned, controlled, or influenced
19 by—

20 “(A) a country referred to in any of para-
21 graphs (1) through (5); or

22 “(B) the Chinese Communist Party.

23 “(b) WAIVER.—The Secretary may issue a waiver of
24 the prohibition described in subsection (a) if the Secretary
25 certifies that any export or sale authorized pursuant to

1 the waiver is in the national security interests of the
2 United States.

3 “(c) RULE.—Not later than 60 days after the date
4 of enactment of the Lower Energy Costs Act, the Sec-
5 retary shall issue a rule to carry out this section.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) DRAWDOWN AND SALE OF PETROLEUM
8 PRODUCTS.—Section 161(a) of the Energy Policy
9 and Conservation Act (42 U.S.C. 6241(a)) is
10 amended by inserting “and section 164” before the
11 period at the end.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents for the Energy Policy and Conservation Act is
14 amended by inserting after the item relating to sec-
15 tion 163 the following:

“Sec. 164. Prohibition on certain exports.”.

16 **SEC. 10022. SENSE OF CONGRESS EXPRESSING DIS-**
17 **APPROVAL OF THE PROPOSED TAX HIKES ON**
18 **THE OIL AND NATURAL GAS INDUSTRY IN**
19 **THE PRESIDENT’S FISCAL YEAR 2024 BUDGET**
20 **REQUEST.**

21 (a) FINDING.—Congress finds that President Biden’s
22 fiscal year 2024 budget request proposes to repeal tax pro-
23 visions that are vital to the oil and natural gas industry
24 of the United States, resulting in a \$31,000,000,000 tax
25 hike on oil and natural gas producers in the United States.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that Congress disapproves of the proposed tax hike
3 on the oil and natural gas industry in the President’s fis-
4 cal year 2024 budget request.

5 **SEC. 10023. DOMESTIC ENERGY INDEPENDENCE REPORT.**

6 Not later than 120 days after the date of enactment
7 of this Act, the Administrator of the Environmental Pro-
8 tection Agency, in consultation with the Secretary of En-
9 ergy, shall submit to Congress a report that identifies and
10 assesses regulations promulgated by the Administrator
11 during the 15-year period preceding the date of enactment
12 of this Act that have—

13 (1) reduced the energy independence of the
14 United States;

15 (2) increased the regulatory burden for energy
16 producers in the United States;

17 (3) decreased the energy output by such energy
18 producers;

19 (4) reduced the energy security of the United
20 States; or

21 (5) increased energy costs for consumers in the
22 United States.

23 **SEC. 10024. GAO STUDY.**

24 Not later than 1 year after the date of enactment
25 of this Act, the Comptroller General of the United States

1 shall conduct a study on how banning natural gas appli-
2 ances will affect the rates and charges for electricity.

3 **SEC. 10025. GAS KITCHEN RANGES AND OVENS.**

4 The Secretary of Energy may not finalize, implement,
5 administer, or enforce the proposed rule titled “Energy
6 Conservation Program: Energy Conservation Standards
7 for Consumer Conventional Cooking Products; Supple-
8 mental notice of proposed rulemaking and announcement
9 of public meeting” (88 Fed. Reg. 6818; published Feb-
10 ruary 1, 2023) with respect to energy conservation stand-
11 ards for gas kitchen ranges and ovens, or any substantially
12 similar rule, including any rule that would directly or indi-
13 rectly limit consumer access to gas kitchen ranges and
14 ovens.

15 **DIVISION B—TRANSPARENCY,**
16 **ACCOUNTABILITY, PERMIT-**
17 **TING, AND PRODUCTION OF**
18 **AMERICAN RESOURCES**

19 **SEC. 20001. SHORT TITLE; TABLE OF CONTENTS.**

20 (a) **SHORT TITLE.**—This division may be cited as the
21 “Transparency, Accountability, Permitting, and Produc-
22 tion of American Resources Act” or the “TAPP American
23 Resources Act”.

24 (b) **TABLE OF CONTENTS.**—The table of contents for
25 this division is as follows:

DIVISION B—TRANSPARENCY, ACCOUNTABILITY, PERMITTING,
AND PRODUCTION OF AMERICAN RESOURCES

Sec. 20001. Short title; table of contents.

TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

- Sec. 20101. Onshore oil and gas leasing.
- Sec. 20102. Lease reinstatement.
- Sec. 20103. Protested lease sales.
- Sec. 20104. Suspension of operations.
- Sec. 20105. Administrative protest process reform.
- Sec. 20106. Leasing and permitting transparency.
- Sec. 20107. Offshore oil and gas leasing.
- Sec. 20108. Five-year plan for offshore oil and gas leasing.
- Sec. 20109. Geothermal leasing.
- Sec. 20110. Leasing for certain qualified coal applications.
- Sec. 20111. Future coal leasing.
- Sec. 20112. Staff planning report.
- Sec. 20113. Prohibition on Chinese communist party ownership interest.
- Sec. 20114. Effect on other law.
- Sec. 20115. Requirement for GAO report on wind energy impacts.
- Sec. 20116. Sense of Congress on wind energy development supply chain.
- Sec. 20117. Sense of Congress on oil and gas royalty rates.
- Sec. 20118. Offshore wind environmental review process study.
- Sec. 20119. GAO report on wind energy impacts.

TITLE II—PERMITTING STREAMLINING

- Sec. 20201. Definitions.
- Sec. 20202. BUILDER Act.
- Sec. 20203. Codification of National Environmental Policy Act regulations.
- Sec. 20204. Non-major Federal actions.
- Sec. 20205. No net loss determination for existing rights-of-way.
- Sec. 20206. Determination of National Environmental Policy Act adequacy.
- Sec. 20207. Determination regarding rights-of-way.
- Sec. 20208. Terms of rights-of-Way.
- Sec. 20209. Funding to process permits and develop information technology.
- Sec. 20210. Offshore geological and geophysical survey licensing.
- Sec. 20211. Deferral of applications for permits to drill.
- Sec. 20212. Processing and terms of applications for permits to drill.
- Sec. 20213. Amendments to the Energy Policy Act of 2005.
- Sec. 20214. Access to Federal energy resources from non-Federal surface estate.
- Sec. 20215. Scope of environmental reviews for oil and gas leases.
- Sec. 20216. Expediting approval of gathering lines.
- Sec. 20217. Lease sale litigation.
- Sec. 20218. Limitation on claims.
- Sec. 20219. Government Accountability Office report on permits to drill.
- Sec. 20220. E-NEPA.
- Sec. 20221. Limitations on claims.
- Sec. 20222. One Federal decision for pipelines.
- Sec. 20223. Exemption of certain wildfire mitigation activities from certain environmental requirements.

- Sec. 20224. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights of way.
- Sec. 20225. Categorical exclusion for electric utility lines rights-of-way.
- Sec. 20226. Staffing plans.

TITLE III—PERMITTING FOR MINING NEEDS

- Sec. 20301. Definitions.
- Sec. 20302. Minerals supply chain and reliability.
- Sec. 20303. Federal register process improvement.
- Sec. 20304. Designation of mining as a covered sector for Federal permitting improvement purposes.
- Sec. 20305. Treatment of actions under presidential determination 2022–11 for Federal permitting improvement purposes.
- Sec. 20306. Notice for mineral exploration activities with limited surface disturbance.
- Sec. 20307. Use of mining claims for ancillary activities.
- Sec. 20308. Ensuring consideration of uranium as a critical mineral.
- Sec. 20309. Barring foreign bad actors from operating on Federal lands.
- Sec. 20310. Permit process for projects relating to extraction, recovery, or processing of critical materials.
- Sec. 20311. National strategy to re-shore mineral supply chains.

TITLE IV—FEDERAL LAND USE PLANNING

- Sec. 20401. Federal land use planning and withdrawals.
- Sec. 20402. Prohibitions on delay of mineral development of certain Federal land.
- Sec. 20403. Definitions.

TITLE V—ENSURING COMPETITIVENESS ON FEDERAL LANDS

- Sec. 20501. Incentivizing domestic production.

TITLE VI—ENERGY REVENUE SHARING

- Sec. 20601. Gulf of Mexico Outer Continental Shelf revenue.
- Sec. 20602. Parity in offshore wind revenue sharing.
- Sec. 20603. Elimination of administrative fee under the Mineral Leasing Act.
- Sec. 20604. Sunset.

1 **TITLE I—ONSHORE AND OFF-** 2 **SHORE LEASING AND OVER-** 3 **SIGHT**

4 **SEC. 20101. ONSHORE OIL AND GAS LEASING.**

- 5 (a) REQUIREMENT TO IMMEDIATELY RESUME ON-
6 SHORE OIL AND GAS LEASE SALES.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior shall immediately resume quarterly onshore oil
3 and gas lease sales in compliance with the Mineral
4 Leasing Act (30 U.S.C. 181 et seq.).

5 (2) REQUIREMENT.—The Secretary of the Inte-
6 rior shall ensure—

7 (A) that any oil and gas lease sale pursu-
8 ant to paragraph (1) is conducted immediately
9 on completion of all applicable scoping, public
10 comment, and environmental analysis require-
11 ments under the Mineral Leasing Act (30
12 U.S.C. 181 et seq.) and the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.); and

15 (B) that the processes described in sub-
16 paragraph (A) are conducted in a timely man-
17 ner to ensure compliance with subsection (b)(1).

18 (3) LEASE OF OIL AND GAS LANDS.—Section
19 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
20 226(b)(1)(A)) is amended by inserting “Eligible
21 lands comprise all lands subject to leasing under this
22 Act and not excluded from leasing by a statutory or
23 regulatory prohibition. Available lands are those
24 lands that have been designated as open for leasing
25 under a land use plan developed under section 202

1 of the Federal Land Policy and Management Act of
2 1976 and that have been nominated for leasing
3 through the submission of an expression of interest,
4 are subject to drainage in the absence of leasing, or
5 are otherwise designated as available pursuant to
6 regulations adopted by the Secretary.” after “sales
7 are necessary.”.

8 (b) QUARTERLY LEASE SALES.—

9 (1) IN GENERAL.—In accordance with the Min-
10 eral Leasing Act (30 U.S.C. 181 et seq.), each fiscal
11 year, the Secretary of the Interior shall conduct a
12 minimum of four oil and gas lease sales in each of
13 the following States:

14 (A) Wyoming.

15 (B) New Mexico.

16 (C) Colorado.

17 (D) Utah.

18 (E) Montana.

19 (F) North Dakota.

20 (G) Oklahoma.

21 (H) Nevada.

22 (I) Alaska.

23 (J) Any other State in which there is land
24 available for oil and gas leasing under the Min-

1 eral Leasing Act (30 U.S.C. 181 et seq.) or any
2 other mineral leasing law.

3 (2) REQUIREMENT.—In conducting a lease sale
4 under paragraph (1) in a State described in that
5 paragraph, the Secretary of the Interior shall offer
6 all parcels nominated and eligible pursuant to the
7 requirements of the Mineral Leasing Act (30 U.S.C.
8 181 et seq.) for oil and gas exploration, develop-
9 ment, and production under the resource manage-
10 ment plan in effect for the State.

11 (3) REPLACEMENT SALES.—The Secretary of
12 the Interior shall conduct a replacement sale during
13 the same fiscal year if—

14 (A) a lease sale under paragraph (1) is
15 canceled, delayed, or deferred, including for a
16 lack of eligible parcels; or

17 (B) during a lease sale under paragraph
18 (1) the percentage of acreage that does not re-
19 ceive a bid is equal to or greater than 25 per-
20 cent of the acreage offered.

21 (4) NOTICE REGARDING MISSED SALES.—Not
22 later than 30 days after a sale required under this
23 subsection is canceled, delayed, deferred, or other-
24 wise missed the Secretary of the Interior shall sub-
25 mit to the Committee on Natural Resources of the

1 House of Representatives and the Committee on En-
2 ergy and Natural Resources of the Senate a report
3 that states what sale was missed and why it was
4 missed.

5 **SEC. 20102. LEASE REINSTATEMENT.**

6 The reinstatement of a lease entered into under the
7 Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geo-
8 thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by
9 the Secretary shall be not considered a major Federal ac-
10 tion under section 102(2)(C) of the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

12 **SEC. 20103. PROTESTED LEASE SALES.**

13 Section 17(b)(1)(A) of the Mineral Leasing Act (30
14 U.S.C. 226(b)(1)(A)) is amended by inserting “The Sec-
15 retary shall resolve any protest to a lease sale not later
16 than 60 days after such payment.” after “annual rental
17 for the first lease year.”.

18 **SEC. 20104. SUSPENSION OF OPERATIONS.**

19 Section 17 of the Mineral Leasing Act (30 U.S.C.
20 226) is amended by adding at the end the following:

21 “(r) **SUSPENSION OF OPERATIONS PERMITS.**—In the
22 event that an oil and gas lease owner has submitted an
23 expression of interest for adjacent acreage that is part of
24 the nature of the geological play and has yet to be offered
25 in a lease sale by the Secretary, they may request a sus-

1 pension of operations from the Secretary of the Interior
2 and upon request, the Secretary shall grant the suspension
3 of operations within 15 days. Any payment of acreage
4 rental or of minimum royalty prescribed by such lease like-
5 wise shall be suspended during such period of suspension
6 of operations and production; and the term of such lease
7 shall be extended by adding any such suspension period
8 thereto.”.

9 **SEC. 20105. ADMINISTRATIVE PROTEST PROCESS REFORM.**

10 Section 17 of the Mineral Leasing Act (30 U.S.C.
11 226) is further amended by adding at the end the fol-
12 lowing:

13 “(s) PROTEST FILING FEE.—

14 “(1) IN GENERAL.—Before processing any pro-
15 test filed under this section, the Secretary shall col-
16 lect a filing fee in the amount described in para-
17 graph (2) from the protestor to recover the cost for
18 processing documents filed for each administrative
19 protest.

20 “(2) AMOUNT.—The amount described in this
21 paragraph is calculated as follows:

22 “(A) For each protest filed in a submission
23 not exceeding 10 pages in length, the base filing
24 fee shall be \$150.

1 “(B) For each submission exceeding 10
2 pages in length, in addition to the base filing
3 fee, an assessment of \$5 per page in excess of
4 10 pages shall apply.

5 “(C) For protests that include more than
6 one oil and gas lease parcel, right-of-way, or ap-
7 plication for permit to drill in a submission, an
8 additional assessment of \$10 per additional
9 lease parcel, right-of-way, or application for
10 permit to drill shall apply.

11 “(3) ADJUSTMENT.—

12 “(A) IN GENERAL.—Beginning on January
13 1, 2024, and annually thereafter, the Secretary
14 shall adjust the filing fees established in this
15 subsection to whole dollar amounts to reflect
16 changes in the Producer Price Index, as pub-
17 lished by the Bureau of Labor Statistics, for
18 the previous 12 months.

19 “(B) PUBLICATION OF ADJUSTED FILING
20 FEES.—At least 30 days before the filing fees
21 as adjusted under this paragraph take effect,
22 the Secretary shall publish notification of the
23 adjustment of such fees in the Federal Reg-
24 ister.”.

1 **SEC. 20106. LEASING AND PERMITTING TRANSPARENCY.**

2 (a) REPORT.—Not later than 30 days after the date
3 of the enactment of this section, and annually thereafter,
4 the Secretary of the Interior shall submit to the Com-
5 mittee on Natural Resources of the House of Representa-
6 tives and the Committee on Energy and Natural Re-
7 sources of the Senate a report that describes—

8 (1) the status of nominated parcels for future
9 onshore oil and gas and geothermal lease sales, in-
10 cluding—

11 (A) the number of expressions of interest
12 received each month during the period of 365
13 days that ends on the date on which the report
14 is submitted with respect to which the Bureau
15 of Land Management—

16 (i) has not taken any action to review;

17 (ii) has not completed review; or

18 (iii) has completed review and deter-
19 mined that the relevant area meets all ap-
20 plicable requirements for leasing, but has
21 not offered the relevant area in a lease
22 sale;

23 (B) how long expressions of interest de-
24 scribed in subparagraph (A) have been pending;
25 and

1 (C) a plan, including timelines, for how the
2 Secretary of the Interior plans to—

3 (i) work through future expressions of
4 interest to prevent delays;

5 (ii) put expressions of interest de-
6 scribed in subparagraph (A) into a lease
7 sale; and

8 (iii) complete review for expressions of
9 interest described in clauses (i) and (ii) of
10 subparagraph (A);

11 (2) the status of each pending application for
12 permit to drill received during the period of 365
13 days that ends on the date on which the report is
14 submitted, including the number of applications re-
15 ceived each month, by each Bureau of Land Man-
16 agement office, including—

17 (A) a description of the cause of delay for
18 pending applications, including as a result of
19 staffing shortages, technical limitations, incom-
20 plete applications, and incomplete review pursu-
21 ant to the National Environmental Policy Act
22 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
23 plicable laws;

24 (B) the number of days an application has
25 been pending in violation of section 17(p)(2) of

1 the Mineral Leasing Act (30 U.S.C. 226(p)(2));
2 and

3 (C) a plan for how the office intends to
4 come into compliance with the requirements of
5 section 17(p)(2) of the Mineral Leasing Act (30
6 U.S.C. 226(p)(2));

7 (3) the number of permits to drill issued each
8 month by each Bureau of Land Management office
9 during the 5-year period ending on the date on
10 which the report is submitted;

11 (4) the status of each pending application for a
12 license for offshore geological and geophysical sur-
13 veys received during the period of 365 days that
14 ends on the date on which the report is submitted,
15 including the number of applications received each
16 month, by each Bureau of Ocean Energy manage-
17 ment regional office, including—

18 (A) a description of any cause of delay for
19 pending applications, including as a result of
20 staffing shortages, technical limitations, incom-
21 plete applications, and incomplete review pursu-
22 ant to the National Environmental Policy Act
23 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
24 plicable laws;

1 (B) the number of days an application has
2 been pending; and

3 (C) a plan for how the Bureau of Ocean
4 Energy Management intends to complete review
5 of each application;

6 (5) the number of licenses for offshore geologi-
7 cal and geophysical surveys issued each month by
8 each Bureau of Ocean Energy Management regional
9 office during the 5-year period ending on the date on
10 which the report is submitted;

11 (6) the status of each pending application for a
12 permit to drill received during the period of 365
13 days that ends on the date on which the report is
14 submitted, including the number of applications re-
15 ceived each month, by each Bureau of Safety and
16 Environmental Enforcement regional office, includ-
17 ing—

18 (A) a description of any cause of delay for
19 pending applications, including as a result of
20 staffing shortages, technical limitations, incom-
21 plete applications, and incomplete review pursu-
22 ant to the National Environmental Policy Act
23 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
24 plicable laws;

1 (B) the number of days an application has
2 been pending; and

3 (C) steps the Bureau of Safety and Envi-
4 ronmental Enforcement is taking to complete
5 review of each application;

6 (7) the number of permits to drill issued each
7 month by each Bureau of Safety and Environmental
8 Enforcement regional office during the period of 365
9 days that ends on the date on which the report is
10 submitted;

11 (8) how, as applicable, the Bureau of Land
12 Management, the Bureau of Ocean Energy Manage-
13 ment, and the Bureau of Safety and Environmental
14 Enforcement determines whether to—

15 (A) issue a license for geological and geo-
16 physical surveys;

17 (B) issue a permit to drill; and

18 (C) issue, extend, or suspend an oil and
19 gas lease;

20 (9) when determinations described in paragraph
21 (8) are sent to the national office of the Bureau of
22 Land Management, the Bureau of Ocean Energy
23 Management, or the Bureau of Safety and Environ-
24 mental Enforcement for final approval;

1 (10) the degree to which Bureau of Land Man-
2 agement, Bureau of Ocean Energy Management,
3 and Bureau of Safety and Environmental Enforce-
4 ment field, State, and regional offices exercise dis-
5 cretion on such final approval;

6 (11) during the period of 365 days that ends on
7 the date on which the report is submitted, the num-
8 ber of auctioned leases receiving accepted bids that
9 have not been issued to winning bidders and the
10 number of days such leases have not been issued;
11 and

12 (12) a description of the uses of application for
13 permit to drill fees paid by permit holders during
14 the 5-year period ending on the date on which the
15 report is submitted.

16 (b) PENDING APPLICATIONS FOR PERMITS TO
17 DRILL.—Not later than 30 days after the date of the en-
18 actment of this section, the Secretary of the Interior
19 shall—

20 (1) complete all requirements under the Na-
21 tional Environmental Policy Act of 1969 (42 U.S.C.
22 4321 et seq.) and other applicable law that must be
23 met before issuance of a permit to drill described in
24 paragraph (2); and

1 (2) issue a permit for all completed applications
2 to drill that are pending on the date of the enact-
3 ment of this Act.

4 (c) PUBLIC AVAILABILITY OF DATA.—

5 (1) MINERAL LEASING ACT.—Section 17 of the
6 Mineral Leasing Act (30 U.S.C. 226) is further
7 amended by adding at the end the following:

8 “(t) PUBLIC AVAILABILITY OF DATA.—

9 “(1) EXPRESSIONS OF INTEREST.—Not later
10 than 30 days after the date of the enactment of this
11 subsection, and each month thereafter, the Secretary
12 shall publish on the website of the Department of
13 the Interior the number of pending, approved, and
14 not approved expressions of interest in nominated
15 parcels for future onshore oil and gas lease sales in
16 the preceding month.

17 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
18 Not later than 30 days after the date of the enact-
19 ment of this subsection, and each month thereafter,
20 the Secretary shall publish on the website of the De-
21 partment of the Interior the number of pending and
22 approved applications for permits to drill in the pre-
23 ceding month in each State office.

24 “(3) PAST DATA.—Not later than 30 days after
25 the date of the enactment of this subsection, the

1 Secretary shall publish on the website of the Depart-
2 ment of the Interior, with respect to each month
3 during the 5-year period ending on the date of the
4 enactment of this subsection—

5 “(A) the number of approved and not ap-
6 proved expressions of interest for onshore oil
7 and gas lease sales during such 5-year period;
8 and

9 “(B) the number of approved and not ap-
10 proved applications for permits to drill during
11 such 5-year period.”.

12 (2) OUTER CONTINENTAL SHELF LANDS ACT.—
13 Section 8 of the Outer Continental Shelf Lands Act
14 (43 U.S.C. 1337) is amended by adding at the end
15 the following:

16 “(q) PUBLIC AVAILABILITY OF DATA.—

17 “(1) OFFSHORE GEOLOGICAL AND GEO-
18 PHYSICAL SURVEY LICENSES.—Not later than 30
19 days after the date of the enactment of this sub-
20 section, and each month thereafter, the Secretary
21 shall publish on the website of the Department of
22 the Interior the number of pending and approved
23 applications for licenses for offshore geological and
24 geophysical surveys in the preceding month.

1 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
2 Not later than 30 days after the date of the enact-
3 ment of this subsection, and each month thereafter,
4 the Secretary shall publish on the website of the De-
5 partment of the Interior the number of pending and
6 approved applications for permits to drill on the
7 outer Continental Shelf in the preceding month in
8 each regional office.

9 “(3) PAST DATA.—Not later than 30 days after
10 the date of the enactment of this subsection, the
11 Secretary shall publish on the website of the Depart-
12 ment of the Interior, with respect each month during
13 the 5-year period ending on the date of the enact-
14 ment of this subsection—

15 “(A) the number of approved applications
16 for licenses for offshore geological and geo-
17 physical surveys; and

18 “(B) the number of approved applications
19 for permits to drill on the outer Continental
20 Shelf.”.

21 (d) REQUIREMENT TO SUBMIT DOCUMENTS AND
22 COMMUNICATIONS.—

23 (1) IN GENERAL.—Not later than 60 days after
24 the date of the enactment of this section, the Sec-
25 retary of the Interior shall submit to the Committee

1 on Energy and Natural Resources of the Senate and
2 the Committee on Natural Resources of the House
3 of Representatives all documents and communica-
4 tions relating to the comprehensive review of Federal
5 oil and gas permitting and leasing practices required
6 under section 208 of Executive Order No. 14008 (86
7 Fed. Reg. 7624; relating to tackling the climate cri-
8 sis at home and abroad).

9 (2) INCLUSIONS.—The submission under para-
10 graph (1) shall include all documents and commu-
11 nications submitted to the Secretary of the Interior
12 by members of the public in response to any public
13 meeting or forum relating to the comprehensive re-
14 view described in that paragraph.

15 **SEC. 20107. OFFSHORE OIL AND GAS LEASING.**

16 (a) IN GENERAL.—The Secretary shall conduct all
17 lease sales described in the 2017–2022 Outer Continental
18 Shelf Oil and Gas Leasing Proposed Final Program (No-
19 vember 2016) that have not been conducted as of the date
20 of the enactment of this Act by not later than September
21 30, 2023.

22 (b) GULF OF MEXICO REGION ANNUAL LEASE
23 SALES.—Notwithstanding any other provision of law, and
24 except within areas subject to existing oil and gas leasing
25 moratoria beginning in fiscal year 2023, the Secretary of

1 the Interior shall annually conduct a minimum of 2 re-
2 gion-wide oil and gas lease sales in the following planning
3 areas of the Gulf of Mexico region, as described in the
4 2017–2022 Outer Continental Shelf Oil and Gas Leasing
5 Proposed Final Program (November 2016):

6 (1) The Central Gulf of Mexico Planning Area.

7 (2) The Western Gulf of Mexico Planning Area.

8 (c) ALASKA REGION ANNUAL LEASE SALES.—Not-
9 withstanding any other provision of law, beginning in fis-
10 cal year 2023, the Secretary of the Interior shall annually
11 conduct a minimum of 2 region-wide oil and gas lease
12 sales in the Alaska region of the Outer Continental Shelf,
13 as described in the 2017–2022 Outer Continental Shelf
14 Oil and Gas Leasing Proposed Final Program (November
15 2016).

16 (d) REQUIREMENTS.—In conducting lease sales
17 under subsections (b) and (c), the Secretary of the Interior
18 shall—

19 (1) issue such leases in accordance with the
20 Outer Continental Shelf Lands Act (43 U.S.C. 1332
21 et seq.); and

22 (2) include in each such lease sale all unleased
23 areas that are not subject to a moratorium as of the
24 date of the lease sale.

1 **SEC. 20108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS**
2 **LEASING.**

3 Section 18 of the Outer Continental Shelf Lands Act
4 (43 U.S.C. 1344) is amended—

5 (1) in subsection (a)—

6 (A) by striking “subsections (c) and (d) of
7 this section, shall prepare and periodically re-
8 vise,” and inserting “this section, shall issue
9 every five years”;

10 (B) by adding at the end the following:

11 “(5) Each five-year program shall include at
12 least two Gulf of Mexico region-wide lease sales per
13 year.”; and

14 (C) in paragraph (3), by inserting “domes-
15 tic energy security,” after “between”;

16 (2) by redesignating subsections (f) through (i)
17 as subsections (h) through (k), respectively; and

18 (3) by inserting after subsection (e) the fol-
19 lowing:

20 “(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The
21 Secretary shall issue the five-year oil and gas leasing pro-
22 gram for 2023 through 2028 and issue the Record of De-
23 cision on the Final Programmatic Environmental Impact
24 Statement by not later than July 1, 2023.

25 “(g) SUBSEQUENT LEASING PROGRAMS.—

1 “(1) IN GENERAL.—Not later than 36 months
2 after conducting the first lease sale under an oil and
3 gas leasing program prepared pursuant to this sec-
4 tion, the Secretary shall begin preparing the subse-
5 quent oil and gas leasing program under this sec-
6 tion.

7 “(2) REQUIREMENT.—Each subsequent oil and
8 gas leasing program under this section shall be ap-
9 proved by not later than 180 days before the expira-
10 tion of the previous oil and gas leasing program.”.

11 **SEC. 20109. GEOTHERMAL LEASING.**

12 (a) ANNUAL LEASING.—Section 4(b) of the Geo-
13 thermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amend-
14 ed—

15 (1) in paragraph (2), by striking “2 years” and
16 inserting “year”;

17 (2) by redesignating paragraphs (3) and (4) as
18 paragraphs (5) and (6), respectively; and

19 (3) after paragraph (2), by inserting the fol-
20 lowing:

21 “(3) REPLACEMENT SALES.—If a lease sale
22 under paragraph (1) for a year is canceled or de-
23 layed, the Secretary of the Interior shall conduct a
24 replacement sale during the same year.

1 “(4) REQUIREMENT.—In conducting a lease
2 sale under paragraph (2) in a State described in
3 that paragraph, the Secretary of the Interior shall
4 offer all nominated parcels eligible for geothermal
5 development and utilization under the resource man-
6 agement plan in effect for the State.”.

7 (b) DEADLINES FOR CONSIDERATION OF GEO-
8 THERMAL DRILLING PERMITS.—Section 4 of the Geo-
9 thermal Steam Act of 1970 (30 U.S.C. 1003) is amended
10 by adding at the end the following:

11 “(h) DEADLINES FOR CONSIDERATION OF GEO-
12 THERMAL DRILLING PERMITS.—

13 “(1) NOTICE.—Not later than 30 days after the
14 date on which the Secretary receives an application
15 for any geothermal drilling permit, the Secretary
16 shall—

17 “(A) provide written notice to the appli-
18 cant that the application is complete; or

19 “(B) notify the applicant that information
20 is missing and specify any information that is
21 required to be submitted for the application to
22 be complete.

23 “(2) ISSUANCE OF DECISION.—If the Secretary
24 determines that an application for a geothermal
25 drilling permit is complete under paragraph (1)(A),

1 the Secretary shall issue a final decision on the ap-
2 plication not later than 30 days after the Secretary
3 notifies the applicant that the application is com-
4 plete.”.

5 **SEC. 20110. LEASING FOR CERTAIN QUALIFIED COAL AP-**
6 **PLICATIONS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COAL LEASE.—The term “coal lease”
9 means a lease entered into by the United States as
10 lessor, through the Bureau of Land Management,
11 and the applicant on Bureau of Land Management
12 Form 3400–012.

13 (2) QUALIFIED APPLICATION.—The term
14 “qualified application” means any application pend-
15 ing under the lease by application program adminis-
16 tered by the Bureau of Land Management pursuant
17 to the Mineral Leasing Act (30 U.S.C. 181 et seq.)
18 and subpart 3425 of title 43, Code of Federal Regu-
19 lations (as in effect on the date of the enactment of
20 this Act), for which the environmental review proc-
21 ess under the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.) has commenced.

23 (b) MANDATORY LEASING AND OTHER REQUIRED
24 APPROVALS.—As soon as practicable after the date of the
25 enactment of this Act, the Secretary shall promptly—

1 (1) with respect to each qualified application—

2 (A) if not previously published for public
3 comment, publish a draft environmental assess-
4 ment, as required under the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4321 et
6 seq.) and any applicable implementing regula-
7 tions;

8 (B) finalize the fair market value of the
9 coal tract for which a lease by application is
10 pending;

11 (C) take all intermediate actions necessary
12 to grant the qualified application; and

13 (D) grant the qualified application; and

14 (2) with respect to previously awarded coal
15 leases, grant any additional approvals of the Depart-
16 ment of the Interior or any bureau, agency, or divi-
17 sion of the Department of the Interior required for
18 mining activities to commence.

19 **SEC. 20111. FUTURE COAL LEASING.**

20 Notwithstanding any judicial decision to the contrary
21 or a departmental review of the Federal coal leasing pro-
22 gram, Secretarial Order 3338, issued by the Secretary of
23 the Interior on January 15, 2016, shall have no force or
24 effect.

1 **SEC. 20112. STAFF PLANNING REPORT.**

2 The Secretary of the Interior and the Secretary of
3 Agriculture shall each annually submit to the Committee
4 on Natural Resources of the House of Representatives and
5 the Committee on Energy and Natural Resources of the
6 Senate a report on the staffing capacity of each respective
7 agency with respect to issuing oil, gas, hardrock mining,
8 coal, and renewable energy leases, rights-of-way, claims,
9 easements, and permits. Each such report shall include—

10 (1) the number of staff assigned to process and
11 issue oil, gas, hardrock mining, coal, and renewable
12 energy leases, rights-of-way, claims, easements, and
13 permits;

14 (2) a description of how many staff are needed
15 to meet statutory requirements for such oil, gas,
16 hardrock mining, coal, and renewable energy leases,
17 rights-of-way, claims, easements, and permits; and

18 (3) how, as applicable, the Department of the
19 Interior or the Department of Agriculture plans to
20 address technological needs and staffing shortfalls
21 and turnover to ensure adequate staffing to process
22 and issue such oil, gas, hardrock mining, coal, and
23 renewable energy leases, rights-of-way, claims, ease-
24 ments, and permits.

1 **SEC. 20113. PROHIBITION ON CHINESE COMMUNIST PARTY**
2 **OWNERSHIP INTEREST.**

3 Notwithstanding any other provision of law, the Com-
4 munist Party of China (or a person acting on behalf of
5 the Communist Party of China), any entity subject to the
6 jurisdiction of the Government of the People’s Republic
7 of China, or any entity that is owned by the Government
8 of the People’s Republic of China, may not acquire any
9 interest with respect to lands leased for oil or gas under
10 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the
11 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
12 seq.) or American farmland or any lands used for Amer-
13 ican renewable energy production, or acquire claims sub-
14 ject to the General Mining Law of 1872.

15 **SEC. 20114. EFFECT ON OTHER LAW.**

16 Nothing in this division, or any amendments made
17 by this division, shall affect—

18 (1) the Presidential memorandum titled
19 “Memorandum on Withdrawal of Certain Areas of
20 the United States Outer Continental Shelf From
21 Leasing Disposition” and dated September 8, 2020;

22 (2) the Presidential memorandum titled
23 “Memorandum on Withdrawal of Certain Areas of
24 the United States Outer Continental Shelf From
25 Leasing Disposition” and dated September 25,
26 2020;

1 (3) the Presidential memorandum titled
2 “Memorandum on Withdrawal of Certain Areas off
3 the Atlantic Coast on the Outer Continental Shelf
4 From Leasing Disposition” and dated December 20,
5 2016; or

6 (4) the ban on oil and gas development in the
7 Great Lakes described in section 386 of the Energy
8 Policy Act of 2005 (42 U.S.C. 15941).

9 **SEC. 20115. REQUIREMENT FOR GAO REPORT ON WIND EN-**
10 **ERGY IMPACTS.**

11 The Secretary of the Interior shall not publish a no-
12 tice for a wind lease sale or hold a lease sale for wind
13 energy development in the Eastern Gulf of Mexico Plan-
14 ning Area, the South Atlantic Planning Area, or the
15 Straits of Florida Planning Area (as described in the
16 2017–2022 Outer Continental Shelf Oil and Gas Leasing
17 Proposed Final Program (November 2016)) until the
18 Comptroller General of the United States publishes a re-
19 port on all potential adverse effects of wind energy devel-
20 opment in such areas, including associated infrastructure
21 and vessel traffic, on—

22 (1) military readiness and training activities in
23 the Planning Areas described in this section, includ-
24 ing activities within or related to the Eglin Test and

1 Training Complex and the Jacksonville Range Com-
2 plex;

3 (2) marine environment and ecology, including
4 species listed as endangered or threatened under the
5 Endangered Species Act of 1973 (16 U.S.C. 1531 et
6 seq.) or designated as depleted under the Marine
7 Mammal Protection Act of 1972 (16 U.S.C. 1361 et
8 seq.) in the Planning Areas described in this section;
9 and

10 (3) tourism, including the economic impacts
11 that a decrease in tourism may have on the commu-
12 nities adjacent to the Planning Areas described in
13 this section.

14 **SEC. 20116. SENSE OF CONGRESS ON WIND ENERGY DEVEL-**
15 **OPMENT SUPPLY CHAIN.**

16 It is the sense of Congress that—

17 (1) wind energy development on Federal lands
18 and waters is a burgeoning industry in the United
19 States;

20 (2) major components of wind infrastructure,
21 including turbines, are imported in large quantities
22 from other countries including countries that are na-
23 tional security threats, such as the Government of
24 the People's Republic of China;

1 (3) it is in the best interest of the United
2 States to foster and support domestic supply chains
3 across sectors to promote American energy inde-
4 pendence;

5 (4) the economic and manufacturing opportuni-
6 ties presented by wind turbine construction and
7 component manufacturing should be met by Amer-
8 ican workers and materials that are sourced domes-
9 tically to the greatest extent practicable; and

10 (5) infrastructure for wind energy development
11 in the United States should be constructed with ma-
12 terials produced and manufactured in the United
13 States.

14 **SEC. 20117. SENSE OF CONGRESS ON OIL AND GAS ROY-**
15 **ALTY RATES.**

16 It is the sense of Congress that the royalty rate for
17 onshore Federal oil and gas leases should be not more
18 than 12.5 percent in amount or value of the production
19 removed or sold from the lease.

20 **SEC. 20118. OFFSHORE WIND ENVIRONMENTAL REVIEW**
21 **PROCESS STUDY.**

22 (a) IN GENERAL.—Not later than 60 days after the
23 date of the enactment of this section, the Comptroller
24 General shall conduct a study to assess the sufficiency of
25 the environmental review processes for offshore wind

1 projects in place as of the date of the enactment of this
2 section of the National Marine Fisheries Service, the Bu-
3 reau of Ocean Energy Management, and any other rel-
4 evant Federal agency.

5 (b) CONTENTS.—The study required under sub-
6 section (a) shall include consideration of the following:

7 (1) The impacts of offshore wind projects on—

8 (A) whales, finfish, and other marine
9 mammals;

10 (B) benthic resources;

11 (C) commercial and recreational fishing;

12 (D) air quality;

13 (E) cultural, historical, and archaeological
14 resources;

15 (F) invertebrates;

16 (G) essential fish habitat;

17 (H) military use and navigation and vessel
18 traffic;

19 (I) recreation and tourism; and

20 (J) the sustainability of shoreline beaches
21 and inlets.

22 (2) The impacts of hurricanes and other severe
23 weather on offshore wind projects.

24 (3) How the agencies described in subsection

25 (a) determine which stakeholders are consulted and

1 if a timely, comprehensive comment period is pro-
2 vided for local representatives and other interested
3 parties.

4 (4) The estimated cost and who pays for off-
5 shore wind projects.

6 **SEC. 20119. GAO REPORT ON WIND ENERGY IMPACTS.**

7 The Comptroller General of the United States shall
8 publish a report on all potential adverse effects of wind
9 energy development in the North Atlantic Planning Area
10 (as described in the 2017–2022 Outer Continental Shelf
11 Oil and Gas Leasing Proposed Final Program (November
12 2016)), including associated infrastructure and vessel
13 traffic, on—

14 (1) maritime safety, including the operation of
15 radar systems;

16 (2) economic impacts related to commercial
17 fishing activities; and

18 (3) marine environment and ecology, including
19 species listed as endangered or threatened under the
20 Endangered Species Act of 1973 (16 U.S.C. 1531 et
21 seq.) or designated as depleted under the Marine
22 Mammal Protection Act of 1972 (16 U.S.C. 1361 et
23 seq.) in the North Atlantic Planning Area.

TITLE II—PERMITTING STREAMLINING

SEC. 20201. DEFINITIONS.

In this title:

(1) ENERGY FACILITY.—The term “energy facility” means a facility the primary purpose of which is the exploration for, or the development, production, conversion, gathering, storage, transfer, processing, or transportation of, any energy resource.

(2) ENERGY STORAGE DEVICE.—The term “energy storage device”—

(A) means any equipment that stores energy, including electricity, compressed air, pumped water, heat, and hydrogen, which may be converted into, or used to produce, electricity; and

(B) includes a battery, regenerative fuel cell, flywheel, capacitor, superconducting magnet, and any other equipment the Secretary concerned determines may be used to store energy which may be converted into, or used to produce, electricity.

(3) PUBLIC LANDS.—The term “public lands” means any land and interest in land owned by the United States within the several States and adminis-

1 tered by the Secretary of the Interior or the Sec-
2 retary of Agriculture without regard to how the
3 United States acquired ownership, except—

4 (A) lands located on the Outer Continental
5 Shelf; and

6 (B) lands held in trust by the United
7 States for the benefit of Indians, Indian Tribes,
8 Aleuts, and Eskimos.

9 (4) RIGHT-OF-WAY.—The term “right-of-way”
10 means—

11 (A) a right-of-way issued, granted, or re-
12 newed under section 501 of the Federal Land
13 Policy and Management Act of 1976 (43 U.S.C.
14 1761); or

15 (B) a right-of-way granted under section
16 28 of the Mineral Leasing Act (30 U.S.C. 185).

17 (5) SECRETARY CONCERNED.—The term “Sec-
18 retary concerned” means—

19 (A) with respect to public lands, the Sec-
20 retary of the Interior; and

21 (B) with respect to National Forest Sys-
22 tem lands, the Secretary of Agriculture.

23 (6) LAND USE PLAN.—The term “land use
24 plan” means—

1 (A) a land and resource management plan
2 prepared by the Forest Service for a unit of the
3 National Forest System pursuant to section 6
4 of the Forest and Rangeland Renewable Re-
5 sources Planning Act of 1974 (16 U.S.C.
6 1604);

7 (B) a Land Management Plan developed
8 by the Bureau of Land Management under the
9 Federal Land Policy and Management Act of
10 1976 (43 U.S.C. 1701 et seq.); or

11 (C) a comprehensive conservation plan de-
12 veloped by the United States Fish and Wildlife
13 Service under section 4(e)(1)(A) of the National
14 Wildlife Refuge System Administration Act of
15 1966 (16 U.S.C. 668dd(e)(1)(A)).

16 **SEC. 20202. BUILDER ACT.**

17 (a) PARAGRAPH (2) OF SECTION 102.—Section
18 102(2) of the National Environmental Policy Act of 1969
19 (42 U.S.C. 4332(2)) is amended—

20 (1) in subparagraph (A), by striking “insure”
21 and inserting “ensure”;

22 (2) in subparagraph (B), by striking “insure”
23 and inserting “ensure”;

24 (3) in subparagraph (C)—

1 (A) by inserting “consistent with the provi-
2 sions of this Act and except as provided by
3 other provisions of law,” before “include in
4 every”;

5 (B) by striking clauses (i) through (v) and
6 inserting the following:

7 “(i) reasonably foreseeable environmental
8 effects with a reasonably close causal relation-
9 ship to the proposed agency action;

10 “(ii) any reasonably foreseeable adverse en-
11 vironmental effects which cannot be avoided
12 should the proposal be implemented;

13 “(iii) a reasonable number of alternatives
14 to the proposed agency action, including an
15 analysis of any negative environmental impacts
16 of not implementing the proposed agency action
17 in the case of a no action alternative, that are
18 technically and economically feasible, are within
19 the jurisdiction of the agency, meet the purpose
20 and need of the proposal, and, where applicable,
21 meet the goals of the applicant;

22 “(iv) the relationship between local short-
23 term uses of man’s environment and the main-
24 tenance and enhancement of long-term produc-
25 tivity; and

1 “(v) any irreversible and irretrievable com-
2 mitments of Federal resources which would be
3 involved in the proposed agency action should it
4 be implemented.”; and

5 (C) by striking “the responsible Federal
6 official” and inserting “the head of the lead
7 agency”;

8 (4) in subparagraph (D), by striking “Any”
9 and inserting “any”;

10 (5) by redesignating subparagraphs (D)
11 through (I) as subparagraphs (F) through (K), re-
12 spectively;

13 (6) by inserting after subparagraph (C) the fol-
14 lowing:

15 “(D) ensure the professional integrity, including
16 scientific integrity, of the discussion and analysis in
17 an environmental document;

18 “(E) make use of reliable existing data and re-
19 sources in carrying out this Act;”;

20 (7) by amending subparagraph (G), as redesign-
21 ated, to read as follows:

22 “(G) consistent with the provisions of this Act,
23 study, develop, and describe technically and economi-
24 cally feasible alternatives within the jurisdiction and
25 authority of the agency;”;

1 (8) in subparagraph (H), as amended, by in-
2 serting “consistent with the provisions of this Act,”
3 before “recognize”.

4 (b) NEW SECTIONS.—Title I of the National Envi-
5 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
6 is amended by adding at the end the following:

7 **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF**
8 **REVIEW.**

9 “(a) THRESHOLD DETERMINATIONS.—An agency is
10 not required to prepare an environmental document with
11 respect to a proposed agency action if—

12 “(1) the proposed agency action is not a final
13 agency action within the meaning of such term in
14 chapter 5 of title 5, United States Code;

15 “(2) the proposed agency action is covered by
16 a categorical exclusion established by the agency, an-
17 other Federal agency, or another provision of law;

18 “(3) the preparation of such document would
19 clearly and fundamentally conflict with the require-
20 ments of another provision of law;

21 “(4) the proposed agency action is, in whole or
22 in part, a nondiscretionary action with respect to
23 which such agency does not have authority to take
24 environmental factors into consideration in deter-
25 mining whether to take the proposed action;

1 “(5) the proposed agency action is a rulemaking
2 that is subject to section 553 of title 5, United
3 States Code; or

4 “(6) the proposed agency action is an action for
5 which such agency’s compliance with another stat-
6 ute’s requirements serve the same or similar func-
7 tion as the requirements of this Act with respect to
8 such action.

9 “(b) LEVELS OF REVIEW.—

10 “(1) ENVIRONMENTAL IMPACT STATEMENT.—

11 An agency shall issue an environmental impact
12 statement with respect to a proposed agency action
13 that has a significant effect on the quality of the
14 human environment.

15 “(2) ENVIRONMENTAL ASSESSMENT.—An agen-
16 cy shall prepare an environmental assessment with
17 respect to a proposed agency action that is not likely
18 to have a significant effect on the quality of the
19 human environment, or if the significance of such ef-
20 fect is unknown, unless the agency finds that a cat-
21 egorical exclusion established by the agency, another
22 Federal agency, or another provision of law applies.
23 Such environmental assessment shall be a concise
24 public document prepared by a Federal agency to set

1 forth the basis of such agency’s finding of no signifi-
2 cant impact.

3 “(3) SOURCES OF INFORMATION.—In making a
4 determination under this subsection, an agency—

5 “(A) may make use of any reliable data
6 source; and

7 “(B) is not required to undertake new sci-
8 entific or technical research.

9 **“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.**

10 “(a) LEAD AGENCY.—

11 “(1) DESIGNATION.—

12 “(A) IN GENERAL.—If there are two or
13 more involved Federal agencies, such agencies
14 shall determine, by letter or memorandum,
15 which agency shall be the lead agency based on
16 consideration of the following factors:

17 “(i) Magnitude of agency’s involve-
18 ment.

19 “(ii) Project approval or disapproval
20 authority.

21 “(iii) Expertise concerning the ac-
22 tion’s environmental effects.

23 “(iv) Duration of agency’s involve-
24 ment.

1 “(v) Sequence of agency’s involve-
2 ment.

3 “(B) JOINT LEAD AGENCIES.—In making
4 a determination under subparagraph (A), the
5 involved Federal agencies may, in addition to a
6 Federal agency, appoint such Federal, State,
7 Tribal, or local agencies as joint lead agencies
8 as the involved Federal agencies shall determine
9 appropriate. Joint lead agencies shall jointly
10 fulfill the role described in paragraph (2).

11 “(C) MINERAL PROJECTS.—This para-
12 graph shall not apply with respect to a mineral
13 exploration or mine permit.

14 “(2) ROLE.—A lead agency shall, with respect
15 to a proposed agency action—

16 “(A) supervise the preparation of an envi-
17 ronmental document if, with respect to such
18 proposed agency action, there is more than one
19 involved Federal agency;

20 “(B) request the participation of each co-
21 operating agency at the earliest practicable
22 time;

23 “(C) in preparing an environmental docu-
24 ment, give consideration to any analysis or pro-
25 posal created by a cooperating agency with ju-

1 jurisdiction by law or a cooperating agency with
2 special expertise;

3 “(D) develop a schedule, in consultation
4 with each involved cooperating agency, the ap-
5 plicant, and such other entities as the lead
6 agency determines appropriate, for completion
7 of any environmental review, permit, or author-
8 ization required to carry out the proposed agen-
9 cy action;

10 “(E) if the lead agency determines that a
11 review, permit, or authorization will not be com-
12 pleted in accordance with the schedule devel-
13 oped under subparagraph (D), notify the agen-
14 cy responsible for issuing such review, permit,
15 or authorization of the discrepancy and request
16 that such agency take such measures as such
17 agency determines appropriate to comply with
18 such schedule; and

19 “(F) meet with a cooperating agency that
20 requests such a meeting.

21 “(3) COOPERATING AGENCY.—The lead agency
22 may, with respect to a proposed agency action, des-
23 ignate any involved Federal agency or a State, Trib-
24 al, or local agency as a cooperating agency. A co-
25 operating agency may, not later than a date speci-

1 fied by the lead agency, submit comments to the
2 lead agency. Such comments shall be limited to mat-
3 ters relating to the proposed agency action with re-
4 spect to which such agency has special expertise or
5 jurisdiction by law with respect to an environmental
6 issue.

7 “(4) REQUEST FOR DESIGNATION.—Any Fed-
8 eral, State, Tribal, or local agency or person that is
9 substantially affected by the lack of a designation of
10 a lead agency with respect to a proposed agency ac-
11 tion under paragraph (1) may submit a written re-
12 quest for such a designation to an involved Federal
13 agency. An agency that receives a request under this
14 paragraph shall transmit such request to each in-
15 volved Federal agency and to the Council.

16 “(5) COUNCIL DESIGNATION.—

17 “(A) REQUEST.—Not earlier than 45 days
18 after the date on which a request is submitted
19 under paragraph (4), if no designation has been
20 made under paragraph (1), a Federal, State,
21 Tribal, or local agency or person that is sub-
22 stantially affected by the lack of a designation
23 of a lead agency may request that the Council
24 designate a lead agency. Such request shall con-
25 sist of—

1 “(i) a precise description of the nature
2 and extent of the proposed agency action;
3 and

4 “(ii) a detailed statement with respect
5 to each involved Federal agency and each
6 factor listed in paragraph (1) regarding
7 which agency should serve as lead agency.

8 “(B) TRANSMISSION.—The Council shall
9 transmit a request received under subparagraph
10 (A) to each involved Federal agency.

11 “(C) RESPONSE.—An involved Federal
12 agency may, not later than 20 days after the
13 date of the submission of a request under sub-
14 paragraph (A), submit to the Council a re-
15 sponse to such request.

16 “(D) DESIGNATION.—Not later than 40
17 days after the date of the submission of a re-
18 quest under subparagraph (A), the Council
19 shall designate the lead agency with respect to
20 the relevant proposed agency action.

21 “(b) ONE DOCUMENT.—

22 “(1) DOCUMENT.—To the extent practicable, if
23 there are 2 or more involved Federal agencies with
24 respect to a proposed agency action and the lead
25 agency has determined that an environmental docu-

1 ment is required, such requirement shall be deemed
2 satisfied with respect to all involved Federal agencies
3 if the lead agency issues such an environmental doc-
4 ument.

5 “(2) CONSIDERATION TIMING.—In developing
6 an environmental document for a proposed agency
7 action, no involved Federal agency shall be required
8 to consider any information that becomes available
9 after the sooner of, as applicable—

10 “(A) receipt of a complete application with
11 respect to such proposed agency action; or

12 “(B) publication of a notice of intent or
13 decision to prepare an environmental impact
14 statement for such proposed agency action.

15 “(3) SCOPE OF REVIEW.—In developing an en-
16 vironmental document for a proposed agency action,
17 the lead agency and any other involved Federal
18 agencies shall only consider the effects of the pro-
19 posed agency action that—

20 “(A) occur on Federal land; or

21 “(B) are subject to Federal control and re-
22 sponsibility.

23 “(c) REQUEST FOR PUBLIC COMMENT.—Each notice
24 of intent to prepare an environmental impact statement
25 under section 102 shall include a request for public com-

1 ment on alternatives or impacts and on relevant informa-
2 tion, studies, or analyses with respect to the proposed
3 agency action.

4 “(d) STATEMENT OF PURPOSE AND NEED.—Each
5 environmental impact statement shall include a statement
6 of purpose and need that briefly summarizes the under-
7 lying purpose and need for the proposed agency action.

8 “(e) ESTIMATED TOTAL COST.—The cover sheet for
9 each environmental impact statement shall include a state-
10 ment of the estimated total cost of preparing such environ-
11 mental impact statement, including the costs of agency
12 full-time equivalent personnel hours, contractor costs, and
13 other direct costs.

14 “(f) PAGE LIMITS.—

15 “(1) ENVIRONMENTAL IMPACT STATEMENTS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), an environmental impact
18 statement shall not exceed 150 pages, not in-
19 cluding any citations or appendices.

20 “(B) EXTRAORDINARY COMPLEXITY.—An
21 environmental impact statement for a proposed
22 agency action of extraordinary complexity shall
23 not exceed 300 pages, not including any cita-
24 tions or appendices.

1 “(2) ENVIRONMENTAL ASSESSMENTS.—An en-
2 vironmental assessment shall not exceed 75 pages,
3 not including any citations or appendices.

4 “(g) SPONSOR PREPARATION.—A lead agency shall
5 allow a project sponsor to prepare an environmental as-
6 sessment or an environmental impact statement upon re-
7 quest of the project sponsor. Such agency may provide
8 such sponsor with appropriate guidance and assist in the
9 preparation. The lead agency shall independently evaluate
10 the environmental document and shall take responsibility
11 for the contents upon adoption.

12 “(h) DEADLINES.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), with respect to a proposed agency action,
15 a lead agency shall complete, as applicable—

16 “(A) the environmental impact statement
17 not later than the date that is 2 years after the
18 sooner of, as applicable—

19 “(i) the date on which such agency
20 determines that section 102(2)(C) requires
21 the issuance of an environmental impact
22 statement with respect to such action;

23 “(ii) the date on which such agency
24 notifies the applicant that the application

1 to establish a right-of-way for such action
2 is complete; and

3 “(iii) the date on which such agency
4 issues a notice of intent to prepare the en-
5 vironmental impact statement for such ac-
6 tion; and

7 “(B) the environmental assessment not
8 later than the date that is 1 year after the
9 sooner of, as applicable—

10 “(i) the date on which such agency
11 determines that section 106(b)(2) requires
12 the preparation of an environmental as-
13 sessment with respect to such action;

14 “(ii) the date on which such agency
15 notifies the applicant that the application
16 to establish a right-of-way for such action
17 is complete; and

18 “(iii) the date on which such agency
19 issues a notice of intent to prepare the en-
20 vironmental assessment for such action.

21 “(2) DELAY.—A lead agency that determines it
22 is not able to meet the deadline described in para-
23 graph (1) may extend such deadline with the ap-
24 proval of the applicant. If the applicant approves
25 such an extension, the lead agency shall establish a

1 new deadline that provides only so much additional
2 time as is necessary to complete such environmental
3 impact statement or environmental assessment.

4 “(3) EXPENDITURES FOR DELAY.—If a lead
5 agency is unable to meet the deadline described in
6 paragraph (1) or extended under paragraph (2), the
7 lead agency must pay \$100 per day, to the extent
8 funding is provided in advance in an appropriations
9 Act, out of the office of the head of the department
10 of the lead agency to the applicant starting on the
11 first day immediately following the deadline de-
12 scribed in paragraph (1) or extended under para-
13 graph (2) up until the date that an applicant ap-
14 proves a new deadline. This paragraph does not
15 apply when the lead agency misses a deadline solely
16 due to delays caused by litigation.

17 “(i) REPORT.—

18 “(1) IN GENERAL.—The head of each lead
19 agency shall annually submit to the Committee on
20 Natural Resources of the House of Representatives
21 and the Committee on Environment and Public
22 Works of the Senate a report that—

23 “(A) identifies any environmental assess-
24 ment and environmental impact statement that

1 such lead agency did not complete by the dead-
2 line described in subsection (h); and

3 “(B) provides an explanation for any fail-
4 ure to meet such deadline.

5 “(2) INCLUSIONS.—Each report submitted
6 under paragraph (1) shall identify, as applicable—

7 “(A) the office, bureau, division, unit, or
8 other entity within the Federal agency respon-
9 sible for each such environmental assessment
10 and environmental impact statement;

11 “(B) the date on which—

12 “(i) such lead agency notified the ap-
13 plicant that the application to establish a
14 right-of-way for the major Federal action
15 is complete;

16 “(ii) such lead agency began the
17 scoping for the major Federal action; or

18 “(iii) such lead agency issued a notice
19 of intent to prepare the environmental as-
20 sessment or environmental impact state-
21 ment for the major Federal action; and

22 “(C) when such environmental assessment
23 and environmental impact statement is expected
24 to be complete.

1 **“SEC. 108. JUDICIAL REVIEW.**

2 “(a) LIMITATIONS ON CLAIMS.—Notwithstanding
3 any other provision of law, a claim arising under Federal
4 law seeking judicial review of compliance with this Act,
5 of a determination made under this Act, or of Federal ac-
6 tion resulting from a determination made under this Act,
7 shall be barred unless—

8 “(1) in the case of a claim pertaining to a pro-
9 posed agency action for which—

10 “(A) an environmental document was pre-
11 pared and an opportunity for comment was pro-
12 vided;

13 “(B) the claim is filed by a party that par-
14 ticipated in the administrative proceedings re-
15 garding such environmental document; and

16 “(C) the claim—

17 “(i) is filed by a party that submitted
18 a comment during the public comment pe-
19 riod for such administrative proceedings
20 and such comment was sufficiently detailed
21 to put the lead agency on notice of the
22 issue upon which the party seeks judicial
23 review; and

24 “(ii) is related to such comment;

25 “(2) except as provided in subsection (b), such
26 claim is filed not later than 120 days after the date

1 of publication of a notice in the Federal Register of
2 agency intent to carry out the proposed agency ac-
3 tion;

4 “(3) such claim is filed after the issuance of a
5 record of decision or other final agency action with
6 respect to the relevant proposed agency action;

7 “(4) such claim does not challenge the estab-
8 lishment or use of a categorical exclusion under sec-
9 tion 102; and

10 “(5) such claim concerns—

11 “(A) an alternative included in the envi-
12 ronmental document; or

13 “(B) an environmental effect considered in
14 the environmental document.

15 “(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT
16 STATEMENT.—

17 “(1) SEPARATE FINAL AGENCY ACTION.—The
18 issuance of a Federal action resulting from a final
19 supplemental environmental impact statement shall
20 be considered a final agency action for the purposes
21 of chapter 5 of title 5, United States Code, separate
22 from the issuance of any previous environmental im-
23 pact statement with respect to the same proposed
24 agency action.

1 “(2) DEADLINE FOR FILING A CLAIM.—A claim
2 seeking judicial review of a Federal action resulting
3 from a final supplemental environmental review
4 issued under section 102(2)(C) shall be barred un-
5 less—

6 “(A) such claim is filed within 120 days of
7 the date on which a notice of the Federal agen-
8 cy action resulting from a final supplemental
9 environmental impact statement is issued; and

10 “(B) such claim is based on information
11 contained in such supplemental environmental
12 impact statement that was not contained in a
13 previous environmental document pertaining to
14 the same proposed agency action.

15 “(c) PROHIBITION ON INJUNCTIVE RELIEF.—Not-
16 withstanding any other provision of law, a violation of this
17 Act shall not constitute the basis for injunctive relief.

18 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to create a right of judicial review
20 or place any limit on filing a claim with respect to the
21 violation of the terms of a permit, license, or approval.

22 “(e) REMAND.—Notwithstanding any other provision
23 of law, no proposed agency action for which an environ-
24 mental document is required shall be vacated or otherwise
25 limited, delayed, or enjoined unless a court concludes al-

1 lowing such proposed action will pose a risk of an immi-
2 nent and substantial environmental harm and there is no
3 other equitable remedy available as a matter of law.

4 **“SEC. 109. DEFINITIONS.**

5 “In this title:

6 “(1) CATEGORICAL EXCLUSION.—The term
7 ‘categorical exclusion’ means a category of actions
8 that a Federal agency has determined normally does
9 not significantly affect the quality of the human en-
10 vironment within the meaning of section 102(2)(C).

11 “(2) COOPERATING AGENCY.—The term ‘co-
12 operating agency’ means any Federal, State, Tribal,
13 or local agency that has been designated as a co-
14 operating agency under section 107(a)(3).

15 “(3) COUNCIL.—The term ‘Council’ means the
16 Council on Environmental Quality established in
17 title II.

18 “(4) ENVIRONMENTAL ASSESSMENT.—The
19 term ‘environmental assessment’ means an environ-
20 mental assessment prepared under section
21 106(b)(2).

22 “(5) ENVIRONMENTAL DOCUMENT.—The term
23 ‘environmental document’ means an environmental
24 impact statement, an environmental assessment, or
25 a finding of no significant impact.

1 “(6) ENVIRONMENTAL IMPACT STATEMENT.—
2 The term ‘environmental impact statement’ means a
3 detailed written statement that is required by section
4 102(2)(C).

5 “(7) FINDING OF NO SIGNIFICANT IMPACT.—
6 The term ‘finding of no significant impact’ means a
7 determination by a Federal agency that a proposed
8 agency action does not require the issuance of an en-
9 vironmental impact statement.

10 “(8) INVOLVED FEDERAL AGENCY.—The term
11 ‘involved Federal agency’ means an agency that,
12 with respect to a proposed agency action—

13 “(A) proposed such action; or

14 “(B) is involved in such action because
15 such action is directly related, through func-
16 tional interdependence or geographic proximity,
17 to an action such agency has taken or has pro-
18 posed to take.

19 “(9) LEAD AGENCY.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the term ‘lead agency’
22 means, with respect to a proposed agency ac-
23 tion—

24 “(i) the agency that proposed such ac-
25 tion; or

1 “(ii) if there are 2 or more involved
2 Federal agencies with respect to such ac-
3 tion, the agency designated under section
4 107(a)(1).

5 “(B) SPECIFICATION FOR MINERAL EX-
6 PLORATION OR MINE PERMITS.—With respect
7 to a proposed mineral exploration or mine per-
8 mit, the term ‘lead agency’ has the meaning
9 given such term in section 40206(a) of the In-
10 frastructure Investment and Jobs Act.

11 “(10) MAJOR FEDERAL ACTION.—

12 “(A) IN GENERAL.—The term ‘major Fed-
13 eral action’ means an action that the agency
14 carrying out such action determines is subject
15 to substantial Federal control and responsi-
16 bility.

17 “(B) EXCLUSION.—The term ‘major Fed-
18 eral action’ does not include—

19 “(i) a non-Federal action—

20 “(I) with no or minimal Federal
21 funding;

22 “(II) with no or minimal Federal
23 involvement where a Federal agency
24 cannot control the outcome of the
25 project; or

1 “(III) that does not include Fed-
2 eral land;

3 “(ii) funding assistance solely in the
4 form of general revenue sharing funds
5 which do not provide Federal agency com-
6 pliance or enforcement responsibility over
7 the subsequent use of such funds;

8 “(iii) loans, loan guarantees, or other
9 forms of financial assistance where a Fed-
10 eral agency does not exercise sufficient
11 control and responsibility over the effect of
12 the action;

13 “(iv) farm ownership and operating
14 loan guarantees by the Farm Service
15 Agency pursuant to sections 305 and 311
16 through 319 of the Consolidated Farmers
17 Home Administration Act of 1961 (7
18 U.S.C. 1925 and 1941 through 1949);

19 “(v) business loan guarantees pro-
20 vided by the Small Business Administra-
21 tion pursuant to section 7(a) or (b) and of
22 the Small Business Act (15 U.S.C.
23 636(a)), or title V of the Small Business
24 Investment Act of 1958 (15 U.S.C. 695 et
25 seq.);

1 “(vi) bringing judicial or administra-
2 tive civil or criminal enforcement actions;
3 or

4 “(vii) extraterritorial activities or deci-
5 sions, which means agency activities or de-
6 cisions with effects located entirely outside
7 of the jurisdiction of the United States.

8 “(C) ADDITIONAL EXCLUSIONS.—An agen-
9 cy action may not be determined to be a major
10 Federal action on the basis of—

11 “(i) an interstate effect of the action
12 or related project; or

13 “(ii) the provision of Federal funds
14 for the action or related project.

15 “(11) MINERAL EXPLORATION OR MINE PER-
16 MIT.—The term ‘mineral exploration or mine permit’
17 has the meaning given such term in section
18 40206(a) of the Infrastructure Investment and Jobs
19 Act.

20 “(12) PROPOSAL.—The term ‘proposal’ means
21 a proposed action at a stage when an agency has a
22 goal, is actively preparing to make a decision on one
23 or more alternative means of accomplishing that
24 goal, and can meaningfully evaluate its effects.

1 “(13) REASONABLY FORESEEABLE.—The term
2 ‘reasonably foreseeable’ means likely to occur—

3 “(A) not later than 10 years after the lead
4 agency begins preparing the environmental doc-
5 ument; and

6 “(B) in an area directly affected by the
7 proposed agency action such that an individual
8 of ordinary prudence would take such occur-
9 rence into account in reaching a decision.

10 “(14) SPECIAL EXPERTISE.—The term ‘special
11 expertise’ means statutory responsibility, agency
12 mission, or related program experience.”.

13 **SEC. 20203. CODIFICATION OF NATIONAL ENVIRONMENTAL**
14 **POLICY ACT REGULATIONS.**

15 The revisions to the Code of Federal Regulations
16 made pursuant to the final rule of the Council on Environ-
17 mental Quality titled “Update to the Regulations Imple-
18 menting the Procedural Provisions of the National Envi-
19 ronmental Policy Act” and published on July 16, 2020
20 (85 Fed. Reg. 43304), shall have the same force and effect
21 of law as if enacted by an Act of Congress.

22 **SEC. 20204. NON-MAJOR FEDERAL ACTIONS.**

23 (a) EXEMPTION.—An action by the Secretary con-
24 cerned with respect to a covered activity shall be not con-
25 sidered a major Federal action under section 102(2)(C)

1 of the National Environmental Policy Act of 1969 (42
2 U.S.C. 4332(2)(C)).

3 (b) COVERED ACTIVITY.—In this section, the term
4 “covered activity” includes—

5 (1) geotechnical investigations;

6 (2) off-road travel in an existing right-of-way;

7 (3) construction of meteorological towers where
8 the total surface disturbance at the location is less
9 than 5 acres;

10 (4) adding a battery or other energy storage de-
11 vice to an existing or planned energy facility, if that
12 storage resource is located within the physical foot-
13 print of the existing or planned energy facility;

14 (5) drilling temperature gradient wells and
15 other geothermal exploratory wells, including con-
16 struction or making improvements for such activi-
17 ties, where—

18 (A) the last cemented casing string is less
19 than 12 inches in diameter; and

20 (B) the total unreclaimed surface disturb-
21 ance at any one time within the project area is
22 less than 5 acres;

23 (6) any repair, maintenance, upgrade, optimiza-
24 tion, or minor addition to existing transmission and
25 distribution infrastructure, including—

1 (A) operation, maintenance, or repair of
2 power equipment and structures within existing
3 substations, switching stations, transmission,
4 and distribution lines;

5 (B) the addition, modification, retirement,
6 or replacement of breakers, transmission tow-
7 ers, transformers, bushings, or relays;

8 (C) the voltage uprating, modification,
9 reconductoring with conventional or advanced
10 conductors, and clearance resolution of trans-
11 mission lines;

12 (D) activities to minimize fire risk, includ-
13 ing vegetation management, routine fire mitiga-
14 tion, inspection, and maintenance activities, and
15 removal of hazard trees and other hazard vege-
16 tation within or adjacent to an existing right-of-
17 way;

18 (E) improvements to or construction of
19 structure pads for such infrastructure; and

20 (F) access and access route maintenance
21 and repairs associated with any activity de-
22 scribed in subparagraph (A) through (E);

23 (7) approval of and activities conducted in ac-
24 cordance with operating plans or agreements for
25 transmission and distribution facilities or under a

1 special use authorization for an electric transmission
2 and distribution facility right-of-way; and

3 (8) construction, maintenance, realignment, or
4 repair of an existing permanent or temporary access
5 road—

6 (A) within an existing right-of-way or with-
7 in a transmission or utility corridor established
8 by Congress or in a land use plan;

9 (B) that serves an existing transmission
10 line, distribution line, or energy facility; or

11 (C) activities conducted in accordance with
12 existing onshore oil and gas leases.

13 **SEC. 20205. NO NET LOSS DETERMINATION FOR EXISTING**
14 **RIGHTS-OF-WAY.**

15 (a) IN GENERAL.—Upon a determination by the Sec-
16 retary concerned that there will be no overall long-term
17 net loss of vegetation, soil, or habitat, as defined by acre-
18 age and function, resulting from a proposed action, deci-
19 sion, or activity within an existing right-of-way, within a
20 right-of-way corridor established in a land use plan, or in
21 an otherwise designated right-of-way, that action, deci-
22 sion, or activity shall not be considered a major Federal
23 action under section 102(2)(C) of the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

1 (b) INCLUSION OF REMEDIATION.—In making a de-
2 termination under subsection (a), the Secretary concerned
3 shall consider the effect of any remediation work to be
4 conducted during the lifetime of the action, decision, or
5 activity when determining whether there will be any over-
6 all long-term net loss of vegetation, soil, or habitat.

7 **SEC. 20206. DETERMINATION OF NATIONAL ENVIRON-**
8 **MENTAL POLICY ACT ADEQUACY.**

9 The Secretary concerned shall use previously com-
10 pleted environmental assessments and environmental im-
11 pact statements to satisfy the requirements of section 102
12 of the National Environmental Policy Act of 1969 (42
13 U.S.C. 4332) with respect to any major Federal action,
14 if such Secretary determines that—

15 (1) the new proposed action is substantially the
16 same as a previously analyzed proposed action or al-
17 ternative analyzed in a previous environmental as-
18 sessment or environmental impact statement; and

19 (2) the effects of the proposed action are sub-
20 stantially the same as the effects analyzed in such
21 existing environmental assessments or environmental
22 impact statements.

23 **SEC. 20207. DETERMINATION REGARDING RIGHTS-OF-WAY.**

24 Not later than 60 days after the Secretary concerned
25 receives an application to grant a right-of-way, the Sec-

1 retary concerned shall notify the applicant as to whether
2 the application is complete or deficient. If the Secretary
3 concerned determines the application is complete, the Sec-
4 retary concerned may not consider any other application
5 to grant a right-of-way on the same or any overlapping
6 parcels of land while such application is pending.

7 **SEC. 20208. TERMS OF RIGHTS-OF-WAY.**

8 (a) FIFTY YEAR TERMS FOR RIGHTS-OF-WAY.—

9 (1) IN GENERAL.—Any right-of-way for pipe-
10 lines for the transportation or distribution of oil or
11 gas granted, issued, amended, or renewed under
12 Federal law may be limited to a term of not more
13 than 50 years before such right-of-way is subject to
14 renewal or amendment.

15 (2) FEDERAL LAND POLICY AND MANAGEMENT
16 ACT OF 1976.—Section 501 of the Federal Land Pol-
17 icy and Management Act of 1976 (43 U.S.C. 1761)
18 is amended by adding at the end the following:

19 “(e) Any right-of-way granted, issued, amended, or
20 renewed under subsection (a)(4) may be limited to a term
21 of not more than 50 years before such right-of-way is sub-
22 ject to renewal or amendment.”.

23 (b) MINERAL LEASING ACT.—Section 28(n) of the
24 Mineral Leasing Act (30 U.S.C. 185(n)) is amended by
25 striking “thirty” and inserting “50”.

1 **SEC. 20209. FUNDING TO PROCESS PERMITS AND DEVELOP**
2 **INFORMATION TECHNOLOGY.**

3 (a) IN GENERAL.—In fiscal years 2023 through
4 2025, the Secretary of Agriculture (acting through the
5 Forest Service) and the Secretary of the Interior, after
6 public notice, may accept and expend funds contributed
7 by non-Federal entities for dedicated staff, information re-
8 source management, and information technology system
9 development to expedite the evaluation of permits, biologi-
10 cal opinions, concurrence letters, environmental surveys
11 and studies, processing of applications, consultations, and
12 other activities for the leasing, development, or expansion
13 of an energy facility under the jurisdiction of the respec-
14 tive Secretaries.

15 (b) EFFECT ON PERMITTING.—In carrying out this
16 section, the Secretary of the Interior shall ensure that the
17 use of funds accepted under subsection (a) will not impact
18 impartial decision making with respect to permits, either
19 substantively or procedurally.

20 (c) STATEMENT FOR FAILURE TO ACCEPT OR EX-
21 PEND FUNDS.—Not later than 60 days after the end of
22 the applicable fiscal year, if the Secretary of Agriculture
23 (acting through the Forest Service) or the Secretary of
24 the Interior does not accept funds contributed under sub-
25 section (a) or accepts but does not expend such funds, that
26 Secretary shall submit to the Committee on Natural Re-

1 sources of the House of Representatives and the Com-
2 mittee on Energy and Natural Resources of the Senate
3 a statement explaining why such funds were not accepted,
4 were not expended, or both, as the case may be.

5 (d) PROHIBITION.—Notwithstanding any other provi-
6 sion of law, the Secretary of Agriculture (acting through
7 the Forest Service) and the Secretary of the Interior may
8 not accept contributions, as authorized by subsection (a),
9 from non-Federal entities owned by the Communist Party
10 of China (or a person or entity acting on behalf of the
11 Communist Party of China).

12 (e) REPORT ON NON-FEDERAL ENTITIES.—Not later
13 than 60 days after the end of the applicable fiscal year,
14 the Secretary of Agriculture (acting through the Forest
15 Service) and the Secretary of the Interior shall submit to
16 the Committee on Natural Resources of the House of Rep-
17 resentatives and the Committee on Energy and Natural
18 Resources of the Senate a report that includes, for each
19 expenditure authorized by subsection (a)—

- 20 (1) the amount of funds accepted; and
21 (2) the contributing non-Federal entity.

22 **SEC. 20210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL**
23 **SURVEY LICENSING.**

24 The Secretary of the Interior shall authorize geologi-
25 cal and geophysical surveys related to oil and gas activities

1 on the Gulf of Mexico Outer Continental Shelf, except
2 within areas subject to existing oil and gas leasing mora-
3 toria. Such authorizations shall be issued within 30 days
4 of receipt of a completed application and shall, as applica-
5 ble to survey type, comply with the mitigation and moni-
6 toring measures in subsections (a), (b), (c), (d), (f), and
7 (g) of section 217.184 of title 50, Code of Federal Regula-
8 tions (as in effect on January 1, 2022), and section
9 217.185 of title 50, Code of Federal Regulations (as in
10 effect on January 1, 2022). Geological and geophysical
11 surveys authorized pursuant to this section are deemed to
12 be in full compliance with the Marine Mammal Protection
13 Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered
14 Species Act of 1973 (16 U.S.C. 1531 et seq.), and their
15 implementing regulations.

16 **SEC. 20211. DEFERRAL OF APPLICATIONS FOR PERMITS TO**
17 **DRILL.**

18 Section 17(p)(3) of the Mineral Leasing Act (30
19 U.S.C. 226(p)(3)) is amended by adding at the end the
20 following:

21 “(D) DEFERRAL BASED ON FORMATTING
22 ISSUES.—A decision on an application for a
23 permit to drill may not be deferred under para-
24 graph (2)(B) as a result of a formatting issue

1 with the permit, unless such formatting issue
2 results in missing information.”.

3 **SEC. 20212. PROCESSING AND TERMS OF APPLICATIONS**
4 **FOR PERMITS TO DRILL.**

5 (a) EFFECT OF PENDING CIVIL ACTIONS.—Section
6 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is
7 amended by adding at the end the following:

8 “(4) EFFECT OF PENDING CIVIL ACTION ON
9 PROCESSING APPLICATIONS FOR PERMITS TO
10 DRILL.—Pursuant to the requirements of paragraph
11 (2), notwithstanding the existence of any pending
12 civil actions affecting the application or related
13 lease, the Secretary shall process an application for
14 a permit to drill or other authorizations or approvals
15 under a valid existing lease, unless a United States
16 Federal court vacated such lease. Nothing in this
17 paragraph shall be construed as providing authority
18 to a Federal court to vacate a lease.”.

19 (b) TERM OF PERMIT TO DRILL.—Section 17 of the
20 Mineral Leasing Act (30 U.S.C. 226) is further amended
21 by adding at the end the following:

22 “(u) TERM OF PERMIT TO DRILL.—A permit to drill
23 issued under this section after the date of the enactment
24 of this subsection shall be valid for one four-year term
25 from the date that the permit is approved, or until the

1 lease regarding which the permit is issued expires, which-
2 ever occurs first.”.

3 **SEC. 20213. AMENDMENTS TO THE ENERGY POLICY ACT OF**
4 **2005.**

5 Section 390 of the Energy Policy Act of 2005 (42
6 U.S.C. 15942) is amended to read as follows:

7 **“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT RE-**
8 **VIEW.**

9 “(a) NATIONAL ENVIRONMENTAL POLICY ACT RE-
10 VIEW.—Action by the Secretary of the Interior, in man-
11 aging the public lands, or the Secretary of Agriculture,
12 in managing National Forest System lands, with respect
13 to any of the activities described in subsection (c), shall
14 not be considered a major Federal action for the purposes
15 of section 102(2)(C) of the National Environmental Policy
16 Act of 1969, if the activity is conducted pursuant to the
17 Mineral Leasing Act (30 U.S.C. 181 et seq.) for the pur-
18 pose of exploration or development of oil or gas.

19 “(b) APPLICATION.—This section shall not apply to
20 an action of the Secretary of the Interior or the Secretary
21 of Agriculture on Indian lands or resources managed in
22 trust for the benefit of Indian Tribes.

23 “(c) ACTIVITIES DESCRIBED.—The activities re-
24 ferred to in subsection (a) are as follows:

1 “(1) Reinstating a lease pursuant to section 31
2 of the Mineral Leasing Act (30 U.S.C. 188).

3 “(2) The following activities, provided that any
4 new surface disturbance is contiguous with the foot-
5 print of the original authorization and does not ex-
6 ceed 20 acres or the acreage has previously been
7 evaluated in a document previously prepared under
8 section 102(2)(C) of the National Environmental
9 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with re-
10 spect to such activity:

11 “(A) Drilling an oil or gas well at a well
12 pad site at which drilling has occurred pre-
13 viously.

14 “(B) Expansion of an existing oil or gas
15 well pad site to accommodate an additional well.

16 “(C) Expansion or modification of an ex-
17 isting oil or gas well pad site, road, pipeline, fa-
18 cility, or utility submitted in a sundry notice.

19 “(3) Drilling of an oil or gas well at a new well
20 pad site, provided that the new surface disturbance
21 does not exceed 20 acres and the acreage evaluated
22 in a document previously prepared under section
23 102(2)(C) of the National Environmental Policy Act
24 of 1969 (42 U.S.C. 4332(2)(C)) with respect to such
25 activity, whichever is greater.

1 “(4) Construction or realignment of a road,
2 pipeline, or utility within an existing right-of-way or
3 within a right-of-way corridor established in a land
4 use plan.

5 “(5) The following activities when conducted
6 from non-Federal surface into federally owned min-
7 erals, provided that the operator submits to the Sec-
8 retary concerned certification of a surface use agree-
9 ment with the non-Federal landowner:

10 “(A) Drilling an oil or gas well at a well
11 pad site at which drilling has occurred pre-
12 viously.

13 “(B) Expansion of an existing oil or gas
14 well pad site to accommodate an additional well.

15 “(C) Expansion or modification of an ex-
16 isting oil or gas well pad site, road, pipeline, fa-
17 cility, or utility submitted in a sundry notice.

18 “(6) Drilling of an oil or gas well from non-
19 Federal surface and non-Federal subsurface into
20 Federal mineral estate.

21 “(7) Construction of up to 1 mile of new road
22 on Federal or non-Federal surface, not to exceed 2
23 miles in total.

1 “(8) Construction of up to 3 miles of individual
2 pipelines or utilities, regardless of surface owner-
3 ship.”.

4 **SEC. 20214. ACCESS TO FEDERAL ENERGY RESOURCES**
5 **FROM NON-FEDERAL SURFACE ESTATE.**

6 (a) OIL AND GAS PERMITS.—Section 17 of the Min-
7 eral Leasing Act (30 U.S.C. 226) is further amended by
8 adding at the end the following:

9 “(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND
10 GAS ACTIVITIES ON CERTAIN LAND.—

11 “(1) IN GENERAL.—The Secretary shall not re-
12 quire an operator to obtain a Federal drilling permit
13 for oil and gas exploration and production activities
14 conducted on non-Federal surface estate, provided
15 that—

16 “(A) the United States holds an ownership
17 interest of less than 50 percent of the sub-
18 surface mineral estate to be accessed by the
19 proposed action; and

20 “(B) the operator submits to the Secretary
21 a State permit to conduct oil and gas explo-
22 ration and production activities on the non-Fed-
23 eral surface estate.

1 “(2) NO FEDERAL ACTION.—An oil and gas ex-
2 ploration and production activity carried out under
3 paragraph (1)—

4 “(A) shall not be considered a major Fed-
5 eral action for the purposes of section
6 102(2)(C) of the National Environmental Policy
7 Act of 1969;

8 “(B) shall require no additional Federal
9 action;

10 “(C) may commence 30 days after submis-
11 sion of the State permit to the Secretary; and

12 “(D) shall not be subject to—

13 “(i) section 306108 of title 54, United
14 States Code (commonly known as the Na-
15 tional Historic Preservation Act of 1966);
16 and

17 “(ii) section 7 of the Endangered Spe-
18 cies Act of 1973 (16 U.S.C. 1536).

19 “(3) ROYALTIES AND PRODUCTION ACCOUNT-
20 ABILITY.—(A) Nothing in this subsection shall affect
21 the amount of royalties due to the United States
22 under this Act from the production of oil and gas,
23 or alter the Secretary’s authority to conduct audits
24 and collect civil penalties pursuant to the Federal

1 Oil and Gas Royalty Management Act of 1982 (30
2 U.S.C. 1701 et seq.).

3 “(B) The Secretary may conduct onsite reviews
4 and inspections to ensure proper accountability,
5 measurement, and reporting of production of Fed-
6 eral oil and gas, and payment of royalties.

7 “(4) EXCEPTIONS.—This subsection shall not
8 apply to actions on Indian lands or resources man-
9 aged in trust for the benefit of Indian Tribes.

10 “(5) INDIAN LAND.—In this subsection, the
11 term ‘Indian land’ means—

12 “(A) any land located within the bound-
13 aries of an Indian reservation, pueblo, or
14 rancharia; and

15 “(B) any land not located within the
16 boundaries of an Indian reservation, pueblo, or
17 rancharia, the title to which is held—

18 “(i) in trust by the United States for
19 the benefit of an Indian tribe or an indi-
20 vidual Indian;

21 “(ii) by an Indian tribe or an indi-
22 vidual Indian, subject to restriction against
23 alienation under laws of the United States;

24 or

1 “(iii) by a dependent Indian commu-
2 nity.”.

3 (b) **GEOHERMAL PERMITS.**—The Geothermal
4 Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEO-**
7 **THERMAL ACTIVITIES ON CERTAIN LAND.**

8 “(a) **IN GENERAL.**—The Secretary shall not require
9 an operator to obtain a Federal drilling permit for geo-
10 thermal exploration and production activities conducted on
11 a non-Federal surface estate, provided that—

12 “(1) the United States holds an ownership in-
13 terest of less than 50 percent of the subsurface geo-
14 thermal estate to be accessed by the proposed action;
15 and

16 “(2) the operator submits to the Secretary a
17 State permit to conduct geothermal exploration and
18 production activities on the non-Federal surface es-
19 tate.

20 “(b) **NO FEDERAL ACTION.**—A geothermal explo-
21 ration and production activity carried out under para-
22 graph (1)—

23 “(1) shall not be considered a major Federal
24 action for the purposes of section 102(2)(C) of the
25 National Environmental Policy Act of 1969;

1 “(2) shall require no additional Federal action;

2 “(3) may commence 30 days after submission
3 of the State permit to the Secretary; and

4 “(4) shall not be subject to—

5 “(A) section 306108 of title 54, United
6 States Code (commonly known as the National
7 Historic Preservation Act of 1966); and

8 “(B) section 7 of the Endangered Species
9 Act of 1973 (16 U.S.C. 1536).

10 “(c) ROYALTIES AND PRODUCTION ACCOUNT-
11 ABILITY.—(1) Nothing in this section shall affect the
12 amount of royalties due to the United States under this
13 Act from the production of electricity using geothermal re-
14 sources (other than direct use of geothermal resources) or
15 the production of any byproducts.

16 “(2) The Secretary may conduct onsite reviews and
17 inspections to ensure proper accountability, measurement,
18 and reporting of the production described in paragraph
19 (1), and payment of royalties.

20 “(d) EXCEPTIONS.—This section shall not apply to
21 actions on Indian lands or resources managed in trust for
22 the benefit of Indian Tribes.

23 “(e) INDIAN LAND.—In this section, the term ‘Indian
24 land’ means—

1 “(1) any land located within the boundaries of
2 an Indian reservation, pueblo, or rancharia; and

3 “(2) any land not located within the boundaries
4 of an Indian reservation, pueblo, or rancharia, the
5 title to which is held—

6 “(A) in trust by the United States for the
7 benefit of an Indian tribe or an individual In-
8 dian;

9 “(B) by an Indian tribe or an individual
10 Indian, subject to restriction against alienation
11 under laws of the United States; or

12 “(C) by a dependent Indian community.”.

13 **SEC. 20215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL**
14 **AND GAS LEASES.**

15 An environmental review for an oil and gas lease or
16 permit prepared pursuant to the requirements of the Na-
17 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
18 et seq.) and its implementing regulations—

19 (1) shall apply only to areas that are within or
20 immediately adjacent to the lease plot or plots and
21 that are directly affected by the proposed action;
22 and

23 (2) shall not require consideration of down-
24 stream, indirect effects of oil and gas consumption.

1 **SEC. 20216. EXPEDITING APPROVAL OF GATHERING LINES.**

2 Section 11318(b)(1) of the Infrastructure Investment
3 and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by
4 striking “to be an action that is categorically excluded (as
5 defined in section 1508.1 of title 40, Code of Federal Reg-
6 ulations (as in effect on the date of enactment of this
7 Act))” and inserting “to not be a major Federal action”.

8 **SEC. 20217. LEASE SALE LITIGATION.**

9 Notwithstanding any other provision of law, any oil
10 and gas lease sale held under section 17 of the Mineral
11 Leasing Act (26 U.S.C. 226) or the Outer Continental
12 Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be
13 vacated and activities on leases awarded in the sale shall
14 not be otherwise limited, delayed, or enjoined unless the
15 court concludes allowing development of the challenged
16 lease will pose a risk of an imminent and substantial envi-
17 ronmental harm and there is no other equitable remedy
18 available as a matter of law. No court, in response to an
19 action brought pursuant to the National Environmental
20 Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue
21 any order preventing the award of leases to a bidder in
22 a lease sale conducted pursuant to section 17 of the Min-
23 eral Leasing Act (26 U.S.C. 226) or the Outer Continental
24 Shelf Lands Act (43 U.S.C. 1331 et seq.) if the Depart-
25 ment of the Interior has previously opened bids for such

1 leases or disclosed the high bidder for any tract that was
2 included in such lease sale.

3 **SEC. 20218. LIMITATION ON CLAIMS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, a claim arising under Federal law seeking ju-
6 dicial review of a permit, license, or approval issued by
7 a Federal agency for a mineral project, energy facility, or
8 energy storage device shall be barred unless—

9 (1) the claim is filed within 120 days after pub-
10 lication of a notice in the Federal Register announc-
11 ing that the permit, license, or approval is final pur-
12 suant to the law under which the agency action is
13 taken, unless a shorter time is specified in the Fed-
14 eral law pursuant to which judicial review is allowed;
15 and

16 (2) the claim is filed by a party that submitted
17 a comment during the public comment period for
18 such permit, license, or approval and such comment
19 was sufficiently detailed to put the agency on notice
20 of the issue upon which the party seeks judicial re-
21 view.

22 (b) SAVINGS CLAUSE.—Nothing in this section shall
23 create a right to judicial review or place any limit on filing
24 a claim that a person has violated the terms of a permit,
25 license, or approval.

1 (c) TRANSPORTATION PROJECTS.—Subsection (a)
2 shall not apply to or supersede a claim subject to section
3 139(l)(1) of title 23, United States Code.

4 (d) MINERAL PROJECT.—In this section, the term
5 “mineral project” means a project—

6 (1) located on—

7 (A) a mining claim, millsite claim, or tun-
8 nel site claim for any mineral;

9 (B) lands open to mineral entry; or

10 (C) a Federal mineral lease; and

11 (2) for the purposes of exploring for or pro-
12 ducing minerals.

13 **SEC. 20219. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
14 **PORT ON PERMITS TO DRILL.**

15 (a) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General of the
17 United States shall issue a report detailing—

18 (1) the approval timelines for applications for
19 permits to drill issued by the Bureau of Land Man-
20 agement from 2018 through 2022;

21 (2) the number of applications for permits to
22 drill that were not issued within 30 days of receipt
23 of a completed application; and

24 (3) the causes of delays resulting in applica-
25 tions for permits to drill pending beyond the 30 day

1 deadline required under section 17(p)(2) of the Min-
2 eral Leasing Act (30 U.S.C. 226(p)(2)).

3 (b) RECOMMENDATIONS.—The report issued under
4 subsection (a) shall include recommendations with respect
5 to—

6 (1) actions the Bureau of Land Management
7 can take to streamline the approval process for ap-
8 plications for permits to drill to approve applications
9 for permits to drill within 30 days of receipt of a
10 completed application;

11 (2) aspects of the Federal permitting process
12 carried out by the Bureau of Land Management to
13 issue applications for permits to drill that can be
14 turned over to States to expedite approval of appli-
15 cations for permits to drill; and

16 (3) legislative actions that Congress must take
17 to allow States to administer certain aspects of the
18 Federal permitting process described in paragraph
19 (2).

20 **SEC. 20220. E-NEPA.**

21 (a) PERMITTING PORTAL STUDY.—The Council on
22 Environmental Quality shall conduct a study and submit
23 a report to Congress within 1 year of the enactment of
24 this Act on the potential to create an online permitting
25 portal for permits that require review under section

1 102(2)(C) of the National Environmental Policy Act of
2 1969 (42 U.S.C. 4332(2)(C)) that would—

3 (1) allow applicants to—

4 (A) submit required documents or mate-
5 rials for their application in one unified portal;

6 (B) upload additional documents as re-
7 quired by the applicable agency; and

8 (C) track the progress of individual appli-
9 cations;

10 (2) enhance interagency coordination in con-
11 sultation by—

12 (A) allowing for comments in one unified
13 portal;

14 (B) centralizing data necessary for reviews;
15 and

16 (C) streamlining communications between
17 other agencies and the applicant; and

18 (3) boost transparency in agency decision-
19 making.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated \$500,000 for the Council
22 of Environmental Quality to carry out the study directed
23 by this section.

1 **SEC. 20221. LIMITATIONS ON CLAIMS.**

2 (a) IN GENERAL.—Section 139(l) of title 23, United
3 States Code, is amended by striking “150 days” each
4 place it appears and inserting “90 days”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 330(e) of title 23, United States
7 Code, is amended—

8 (A) in paragraph (2)(A), by striking “150
9 days” and inserting “90 days”; and

10 (B) in paragraph (3)(B)(i), by striking
11 “150 days” and inserting “90 days”.

12 (2) Section 24201(a)(4) of title 49, United
13 States Code, is amended by striking “of 150 days”.

14 **SEC. 20222. ONE FEDERAL DECISION FOR PIPELINES.**

15 (a) IN GENERAL.—Chapter 601 of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 60144. Efficient environmental reviews and one
19 Federal decision**

20 **“(a) EFFICIENT ENVIRONMENTAL REVIEWS.—**

21 **“(1) IN GENERAL.—**The Secretary of Transpor-
22 tation shall apply the project development proce-
23 dures, to the greatest extent feasible, described in
24 section 139 of title 23 to any pipeline project that
25 requires the approval of the Secretary under the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.).

3 “(2) REGULATIONS AND PROCEDURES.—In car-
4 rying out paragraph (1), the Secretary shall incor-
5 porate into agency regulations and procedures per-
6 taining to pipeline projects described in paragraph
7 (1) aspects of such project development procedures,
8 or portions thereof, determined appropriate by the
9 Secretary in a manner consistent with this section,
10 that increase the efficiency of the review of pipeline
11 projects.

12 “(3) DISCRETION.—The Secretary may choose
13 not to incorporate into agency regulations and proce-
14 dures pertaining to pipeline projects described in
15 paragraph (1) such project development procedures
16 that could only feasibly apply to highway projects,
17 public transportation capital projects, and
18 multimodal projects.

19 “(4) APPLICABILITY.—Subsection (l) of section
20 139 of title 23 shall apply to pipeline projects de-
21 scribed in paragraph (1).

22 “(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—The
23 Secretary shall maintain and make publicly available, in-
24 cluding on the Internet, a database that identifies project-

1 specific information on the use of a categorical exclusion
 2 on any pipeline project carried out under this title.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
 4 ter 601 of title 49, United States Code, is amended by
 5 adding at the end the following:

“60144. Efficient environmental reviews and one Federal decision.”.

6 **SEC. 20223. EXEMPTION OF CERTAIN WILDFIRE MITIGA-**
 7 **TION ACTIVITIES FROM CERTAIN ENVIRON-**
 8 **MENTAL REQUIREMENTS.**

9 (a) IN GENERAL.—Wildfire mitigation activities of
 10 the Secretary of the Interior and the Secretary of Agri-
 11 culture may be carried out without regard to the provi-
 12 sions of law specified in subsection (b).

13 (b) PROVISIONS OF LAW SPECIFIED.—The provisions
 14 of law specified in this section are all Federal, State, or
 15 other laws, regulations, and legal requirements of, deriving
 16 from, or related to the subject of, the following laws:

17 (1) Section 102(2)(C) of the National Environ-
 18 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

19 (2) The Endangered Species Act of 1973 (16
 20 U.S.C. 1531 et seq.).

21 (c) WILDFIRE MITIGATION ACTIVITY.—For purposes
 22 of this section, the term “wildfire mitigation activity”—

23 (1) is an activity conducted on Federal land
 24 that is—

1 (A) under the administration of the Direc-
2 tor of the National Park System, the Director
3 of the Bureau of Land Management, or the
4 Chief of the Forest Service; and

5 (B) within 300 feet of any permanent or
6 temporary road, as measured from the center of
7 such road; and

8 (2) includes forest thinning, hazardous fuel re-
9 duction, prescribed burning, and vegetation manage-
10 ment.

11 **SEC. 20224. VEGETATION MANAGEMENT, FACILITY INSPEC-**
12 **TION, AND OPERATION AND MAINTENANCE**
13 **RELATING TO ELECTRIC TRANSMISSION AND**
14 **DISTRIBUTION FACILITY RIGHTS OF WAY.**

15 (a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC
16 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal
17 Land Policy and Management Act of 1976 (43 U.S.C.
18 1772(a)(1)(B)(ii)) is amended by striking “10” and in-
19 serting “50”.

20 (b) CONSULTATION WITH PRIVATE LANDOWNERS.—
21 Section 512(c)(3)(E) of the Federal Land Policy and
22 Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is
23 amended—

24 (1) in clause (i), by striking “and” at the end;

1 (1) the Secretary of Agriculture, with respect to
2 National Forest System lands; and

3 (2) the Secretary of the Interior, with respect
4 to public lands.

5 (b) CATEGORICAL EXCLUSION ESTABLISHED.—For-
6 est management activities described in subsection (c) are
7 a category of activities designated as being categorically
8 excluded from the preparation of an environmental assess-
9 ment or an environmental impact statement under section
10 102 of the National Environmental Policy Act of 1969 (42
11 U.S.C. 4332).

12 (c) FOREST MANAGEMENT ACTIVITIES DESIGNATED
13 FOR CATEGORICAL EXCLUSION.—The forest management
14 activities designated as being categorically excluded under
15 subsection (b) are—

16 (1) the development and approval of a vegeta-
17 tion management, facility inspection, and operation
18 and maintenance plan submitted under section
19 512(c)(1) of the Federal Land Policy and Manage-
20 ment Act of 1976 (43 U.S.C. 1772(c)(1)) by the
21 Secretary concerned; and

22 (2) the implementation of routine activities con-
23 ducted under the plan referred to in paragraph (1).

24 (d) AVAILABILITY OF CATEGORICAL EXCLUSION.—
25 On and after the date of the enactment of this Act, the

1 Secretary concerned may use the categorical exclusion es-
2 tablished under subsection (b) in accordance with this sec-
3 tion.

4 (e) EXTRAORDINARY CIRCUMSTANCES.—Use of the
5 categorical exclusion established under subsection (b) shall
6 not be subject to the extraordinary circumstances proce-
7 dures in section 220.6, title 36, Code of Federal Regula-
8 tions, or section 1508.4, title 40, Code of Federal Regula-
9 tions.

10 (f) EXCLUSION OF CERTAIN AREAS.—The categor-
11 ical exclusion established under subsection (b) shall not
12 apply to any forest management activity conducted—

13 (1) in a component of the National Wilderness
14 Preservation System; or

15 (2) on National Forest System lands on which,
16 by Act of Congress, the removal of vegetation is re-
17 stricted or prohibited.

18 (g) PERMANENT ROADS.—

19 (1) PROHIBITION ON ESTABLISHMENT.—A for-
20 est management activity designated under subsection
21 (c) shall not include the establishment of a perma-
22 nent road.

23 (2) EXISTING ROADS.—The Secretary con-
24 cerned may carry out necessary maintenance and re-
25 pair on an existing permanent road for the purposes

1 of conducting a forest management activity des-
2 ignated under subsection (c).

3 (3) TEMPORARY ROADS.—The Secretary con-
4 cerned shall decommission any temporary road con-
5 structed for a forest management activity designated
6 under subsection (c) not later than 3 years after the
7 date on which the action is completed.

8 (h) APPLICABLE LAWS.—A forest management activ-
9 ity designated under subsection (c) shall not be subject
10 to section 7 of the Endangered Species Act of 1973 (16
11 U.S.C. 1536), section 106 of the National Historic Preser-
12 vation Act, or any other applicable law.

13 **SEC. 20226. STAFFING PLANS.**

14 (a) IN GENERAL.—Not later than 365 days after the
15 date of enactment of this Act, each local unit of the Na-
16 tional Park Service, Bureau of Land Management, and
17 Forest Service shall conduct an outreach plan for dissemi-
18 nating and advertising open civil service positions with
19 functions relating to permitting or natural resources in
20 their offices. Each such plan shall include outreach to local
21 high schools, community colleges, institutions of higher
22 education, and any other relevant institutions, as deter-
23 mined by the Secretary of the Interior or the Secretary
24 of Agriculture (as the case may be).

1 (b) COLLABORATION PERMITTED.—Such local units
2 of the National Park Service, Bureau of Land Manage-
3 ment, and Forest Service located in reasonably close geo-
4 graphic areas may collaborate to produce a joint outreach
5 plan that meets the requirements of subsection (a).

6 **TITLE III—PERMITTING FOR**
7 **MINING NEEDS**

8 **SEC. 20301. DEFINITIONS.**

9 In this title:

10 (1) BYPRODUCT.—The term “byproduct” has
11 the meaning given such term in section 7002(a) of
12 the Energy Act of 2020 (30 U.S.C. 1606(a)).

13 (2) INDIAN TRIBE.—The term “Indian Tribe”
14 has the meaning given such term in section 4 of the
15 Indian Self-Determination and Education Assistance
16 Act (25 U.S.C. 5304).

17 (3) MINERAL.—The term “mineral” means any
18 mineral of a kind that is locatable (including, but
19 not limited to, such minerals located on “lands ac-
20 quired by the United States”, as such term is de-
21 fined in section 2 of the Mineral Leasing Act for Ac-
22 quired Lands) under the Act of May 10, 1872
23 (Chapter 152; 17 Stat. 91).

1 (4) SECRETARY.—Except as otherwise provided,
2 the term “Secretary” means the Secretary of the In-
3 terior.

4 (5) STATE.—The term “State” means—

5 (A) a State;

6 (B) the District of Columbia;

7 (C) the Commonwealth of Puerto Rico;

8 (D) Guam;

9 (E) American Samoa;

10 (F) the Commonwealth of the Northern

11 Mariana Islands; and

12 (G) the United States Virgin Islands.

13 **SEC. 20302. MINERALS SUPPLY CHAIN AND RELIABILITY.**

14 Section 40206 of the Infrastructure Investment and
15 Jobs Act (30 U.S.C. 1607) is amended—

16 (1) in the section heading, by striking “**CRIT-**
17 **ICAL MINERALS**” and inserting “**MINERALS**”;

18 (2) by amending subsection (a) to read as fol-
19 lows:

20 “(a) DEFINITIONS.—In this section:

21 “(1) LEAD AGENCY.—The term ‘lead agency’
22 means the Federal agency with primary responsi-
23 bility for issuing a mineral exploration or mine per-
24 mit or lease for a mineral project.

1 “(2) MINERAL.—The term ‘mineral’ has the
2 meaning given such term in section 20301 of the
3 TAPP American Resources Act.

4 “(3) MINERAL EXPLORATION OR MINE PER-
5 MIT.—The term ‘mineral exploration or mine permit’
6 means—

7 “(A) an authorization of the Bureau of
8 Land Management or the Forest Service, as ap-
9 plicable, for exploration for minerals that re-
10 quires analysis under the National Environ-
11 mental Policy Act of 1969;

12 “(B) a plan of operations for a mineral
13 project approved by the Bureau of Land Man-
14 agement or the Forest Service; or

15 “(C) any other Federal permit or author-
16 ization for a mineral project.

17 “(4) MINERAL PROJECT.—The term ‘mineral
18 project’ means a project—

19 “(A) located on—

20 “(i) a mining claim, millsite claim, or
21 tunnel site claim for any mineral;

22 “(ii) lands open to mineral entry; or

23 “(iii) a Federal mineral lease; and

24 “(B) for the purposes of exploring for or
25 producing minerals.”;

1 (3) in subsection (b), by striking “critical” each
2 place such term appears;

3 (4) in subsection (c)—

4 (A) by striking “critical mineral production
5 on Federal land” and inserting “mineral
6 projects”;

7 (B) by inserting “, and in accordance with
8 subsection (h)” after “to the maximum extent
9 practicable”;

10 (C) by striking “shall complete the” and
11 inserting “shall complete such”;

12 (D) in paragraph (1), by striking “critical
13 mineral-related activities on Federal land” and
14 inserting “mineral projects”;

15 (E) in paragraph (8), by striking the
16 “and” at the end;

17 (F) in paragraph (9), by striking “proce-
18 dures.” and inserting “procedures; and”;

19 (G) by adding at the end the following:

20 “(10) deferring to and relying on baseline data,
21 analyses, and reviews performed by State agencies
22 with jurisdiction over the environmental or reclama-
23 tion permits for the proposed mineral project.”;

24 (5) in subsection (d)—

1 (A) by striking “critical” each place such
2 term appears; and

3 (B) in paragraph (3), by striking “mineral-
4 related activities on Federal land” and inserting
5 “mineral projects”;

6 (6) in subsection (e), by striking “critical”;

7 (7) in subsection (f), by striking “critical” each
8 place such term appears;

9 (8) in subsection (g), by striking “critical” each
10 place such term appears; and

11 (9) by adding at the end the following:

12 “(h) OTHER REQUIREMENTS.—

13 “(1) MEMORANDUM OF AGREEMENT.—For pur-
14 poses of maximizing efficiency and effectiveness of
15 the Federal permitting and review processes de-
16 scribed under subsection (c), the lead agency in the
17 Federal permitting and review processes of a min-
18 eral project shall (in consultation with any other
19 Federal agency involved in such Federal permitting
20 and review processes, and upon request of the
21 project applicant, an affected State government,
22 local government, or an Indian Tribe, or other entity
23 such lead agency determines appropriate) enter into
24 a memorandum of agreement with a project appli-

1 cant where requested by the applicant to carry out
2 the activities described in subsection (c).

3 “(2) TIMELINES AND SCHEDULES FOR NEPA
4 REVIEWS.—

5 “(A) EXTENSION.—A project applicant
6 may enter into 1 or more agreements with a
7 lead agency to extend the deadlines described in
8 subparagraphs (A) and (B) of subsection (h)(1)
9 of section 107 of title I of the National Envi-
10 ronmental Policy Act of 1969 by, with respect
11 to each such agreement, not more than 6
12 months.

13 “(B) ADJUSTMENT OF TIMELINES.—At
14 the request of a project applicant, the lead
15 agency and any other entity which is a signa-
16 tory to a memorandum of agreement under
17 paragraph (1) may, by unanimous agreement,
18 adjust—

19 “(i) any deadlines described in sub-
20 paragraph (A); and

21 “(ii) any deadlines extended under
22 subparagraph (B).

23 “(3) EFFECT ON PENDING APPLICATIONS.—

24 Upon a written request by a project applicant, the
25 requirements of this subsection shall apply to any

1 application for a mineral exploration or mine permit
2 or mineral lease that was submitted before the date
3 of the enactment of the TAPP American Resources
4 Act.”.

5 **SEC. 20303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

6 Section 7002(f) of the Energy Act of 2020 (30
7 U.S.C. 1606(f)) is amended—

8 (1) in paragraph (2), by striking “critical” both
9 places such term appears; and

10 (2) by striking paragraph (4).

11 **SEC. 20304. DESIGNATION OF MINING AS A COVERED SEC-**
12 **TOR FOR FEDERAL PERMITTING IMPROVE-**
13 **MENT PURPOSES.**

14 Section 41001(6)(A) of the FAST Act (42 U.S.C.
15 4370m(6)(A)) is amended by inserting “mineral produc-
16 tion,” before “or any other sector”.

17 **SEC. 20305. TREATMENT OF ACTIONS UNDER PRESI-**
18 **DENTIAL DETERMINATION 2022-11 FOR FED-**
19 **ERAL PERMITTING IMPROVEMENT PUR-**
20 **POSES.**

21 (a) IN GENERAL.—Except as provided by subsection
22 (c), an action described in subsection (b) shall be—

23 (1) treated as a covered project, as defined in
24 section 41001(6) of the FAST Act (42 U.S.C.

1 4370m(6)), without regard to the requirements of
2 that section; and

3 (2) included in the Permitting Dashboard main-
4 tained pursuant to section 41003(b) of that Act (42
5 13 U.S.C. 4370m–2(b)).

6 (b) ACTIONS DESCRIBED.—An action described in
7 this subsection is an action taken by the Secretary of De-
8 fense pursuant to Presidential Determination 2022–11
9 (87 Fed. Reg. 19775; relating to certain actions under
10 section 303 of the Defense Production Act of 1950) or
11 the Presidential Memorandum of February 27, 2023, ti-
12 tled “Presidential Waiver of Statutory Requirements Pur-
13 suant to Section 303 of the Defense Production Act of
14 1950, as amended, on Department of Defense Supply
15 Chains Resilience” (88 Fed. Reg. 13015) to create, main-
16 tain, protect, expand, or restore sustainable and respon-
17 sible domestic production capabilities through—

18 (1) supporting feasibility studies for mature
19 mining, beneficiation, and value-added processing
20 projects;

21 (2) byproduct and co-product production at ex-
22 isting mining, mine waste reclamation, and other in-
23 dustrial facilities;

1 (3) modernization of mining, beneficiation, and
2 value-added processing to increase productivity, envi-
3 ronmental sustainability, and workforce safety; or

4 (4) any other activity authorized under section
5 303(a)(1) of the Defense Production Act of 1950 15
6 (50 U.S.C. 4533(a)(1)).

7 (c) EXCEPTION.—An action described in subsection
8 (b) may not be treated as a covered project or be included
9 in the Permitting Dashboard under subsection (a) if the
10 project sponsor (as defined in section 41001(18) of the
11 FAST Act (42 U.S.C. 21 4370m(18))) requests that the
12 action not be treated as a covered project.

13 **SEC. 20306. NOTICE FOR MINERAL EXPLORATION ACTIVI-**
14 **TIES WITH LIMITED SURFACE DISTURBANCE.**

15 (a) IN GENERAL.—Not later than 15 days before
16 commencing an exploration activity with a surface disturb-
17 ance of not more than 5 acres of public lands, the operator
18 of such exploration activity shall submit to the Secretary
19 concerned a complete notice of such exploration activity.

20 (b) INCLUSIONS.—Notice submitted under subsection
21 (a) shall include such information the Secretary concerned
22 may require, including the information described in sec-
23 tion 3809.301 of title 43, Code of Federal Regulations (or
24 any successor regulation).

1 (c) REVIEW.—Not later than 15 days after the Sec-
2 retary concerned receives notice submitted under sub-
3 section (a), the Secretary concerned shall—

4 (1) review and determine completeness of the
5 notice; and

6 (2) allow exploration activities to proceed if—

7 (A) the surface disturbance of such explo-
8 ration activities on such public lands will not
9 exceed 5 acres;

10 (B) the Secretary concerned determines
11 that the notice is complete; and

12 (C) the operator provides financial assur-
13 ance that the Secretary concerned determines is
14 adequate.

15 (d) DEFINITIONS.—In this section:

16 (1) EXPLORATION ACTIVITY.—The term “explo-
17 ration activity”—

18 (A) means creating surface disturbance
19 greater than casual use that includes sampling,
20 drilling, or developing surface or underground
21 workings to evaluate the type, extent, quantity,
22 or quality of mineral values present;

23 (B) includes constructing drill roads and
24 drill pads, drilling, trenching, excavating test

1 pits, and conducting geotechnical tests and geo-
2 physical surveys; and

3 (C) does not include activities where mate-
4 rial is extracted for commercial use or sale.

5 (2) SECRETARY CONCERNED.—The term “Sec-
6 retary concerned” means—

7 (A) with respect to lands administered by
8 the Secretary of the Interior, the Secretary of
9 the Interior; and

10 (B) with respect to National Forest Sys-
11 tem lands, the Secretary of Agriculture.

12 **SEC. 20307. USE OF MINING CLAIMS FOR ANCILLARY AC-**
13 **TIVITIES.**

14 Section 10101 of the Omnibus Budget Reconciliation
15 Act of 1993 (30 U.S.C. 28f) is amended by adding at the
16 end the following:

17 “(e) SECURITY OF TENURE.—

18 “(1) IN GENERAL.—

19 “(A) IN GENERAL.—A claimant shall have
20 the right to use, occupy, and conduct operations
21 on public land, with or without the discovery of
22 a valuable mineral deposit, if—

23 “(i) such claimant makes a timely
24 payment of the location fee required by

1 section 10102 and the claim maintenance
2 fee required by subsection (a); or

3 “(ii) in the case of a claimant who
4 qualifies for a waiver under subsection (d),
5 such claimant makes a timely payment of
6 the location fee and complies with the re-
7 quired assessment work under the general
8 mining laws.

9 “(B) OPERATIONS DEFINED.—For the
10 purposes of this paragraph, the term ‘oper-
11 ations’ means—

12 “(i) any activity or work carried out
13 in connection with prospecting, exploration,
14 processing, discovery and assessment, de-
15 velopment, or extraction with respect to a
16 locatable mineral;

17 “(ii) the reclamation of any disturbed
18 areas; and

19 “(iii) any other reasonably incident
20 uses, whether on a mining claim or not, in-
21 cluding the construction and maintenance
22 of facilities, roads, transmission lines, pipe-
23 lines, and any other necessary infrastruc-
24 ture or means of access on public land for
25 support facilities.

1 “(2) FULFILLMENT OF FEDERAL LAND POLICY
2 AND MANAGEMENT ACT.—A claimant that fulfills
3 the requirements of this section and section 10102
4 shall be deemed to satisfy the requirements of any
5 provision of the Federal Land Policy and Manage-
6 ment Act that requires the payment of fair market
7 value to the United States for use of public lands
8 and resources relating to use of such lands and re-
9 sources authorized by the general mining laws.

10 “(3) SAVINGS CLAUSE.—Nothing in this sub-
11 section may be construed to diminish the rights of
12 entry, use, and occupancy, or any other right, of a
13 claimant under the general mining laws.”.

14 **SEC. 20308. ENSURING CONSIDERATION OF URANIUM AS A**
15 **CRITICAL MINERAL.**

16 (a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the
17 Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is
18 amended to read as follows:

19 “(i) oil, oil shale, coal, or natural
20 gas;”.

21 (b) UPDATE.—Not later than 60 days after the date
22 of the enactment of this section, the Secretary, acting
23 through the Director of the United States Geological Sur-
24 vey, shall publish in the Federal Register an update to
25 the final list established in section 7002(c)(3) of the En-

1 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance
2 with subsection (a) of this section.

3 (c) REPORT.—Not later than 180 days after the date
4 of the enactment of this section, the Secretary, acting
5 through the Director of the United States Geological Sur-
6 vey, in consultation with the Secretary of Energy, shall
7 submit to the appropriate committees of Congress a report
8 that includes the following:

9 (1) The current status of uranium deposits in
10 the United States with respect to the amount and
11 quality of uranium contained in such deposits.

12 (2) A comparison of the United States to the
13 rest of the world with respect to the amount and
14 quality of uranium contained in uranium deposits.

15 (3) Policy considerations, including potential
16 challenges, of utilizing the uranium from the depos-
17 its described in paragraph (1).

18 **SEC. 20309. BARRING FOREIGN BAD ACTORS FROM OPER-**
19 **ATING ON FEDERAL LANDS.**

20 A mining claimant shall be barred from the right to
21 use, occupy, and conduct operations on Federal land if the
22 Secretary of the Interior finds the claimant has a foreign
23 parent company that has (including through a sub-
24 sidiary)—

- 1 (1) a known record of human rights violations;
2 or
3 (2) knowingly operated an illegal mine in an-
4 other country.

5 **SEC. 20310. PERMIT PROCESS FOR PROJECTS RELATING TO**
6 **EXTRACTION, RECOVERY, OR PROCESSING**
7 **OF CRITICAL MATERIALS.**

8 (a) DEFINITION OF COVERED PROJECT.—Section
9 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A))
10 is amended—

11 (1) in clause (iii)(III), by striking “; or” and in-
12 serting “;”;

13 (2) in clause (iv)(II), by striking the period at
14 the end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(v) is related to the extraction, recov-
17 ery, or processing from coal, coal waste,
18 coal processing waste, pre-or post-combus-
19 tion coal byproducts, or acid mine drainage
20 from coal mines of—

21 “(I) critical minerals (as such
22 term is defined in section 7002 of the
23 Energy Act of 2020);

24 “(II) rare earth elements; or

1 “(III) microfine carbon or carbon
2 from coal.”.

3 (b) REPORT.—Not later than 6 months after the date
4 of enactment of this Act, the Secretary of the Interior
5 shall submit to the Committees on Energy and Natural
6 Resources and Commerce, Science, and Transportation of
7 the Senate and the Committees on Transportation and In-
8 frastructure, Natural Resources, and Energy and Com-
9 merce of the House of Representatives a report evaluating
10 the timeliness of implementation of reforms of the permit-
11 ting process required as a result of the amendments made
12 by this section on the following:

13 (1) The economic and national security of the
14 United States.

15 (2) Domestic production and supply of critical
16 minerals, rare earths, and microfine carbon or car-
17 bon from coal.

18 **SEC. 20311. NATIONAL STRATEGY TO RE-SHORE MINERAL**
19 **SUPPLY CHAINS.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the United States Geologi-
22 cal Survey, in consultation with the Secretaries of De-
23 fense, Energy, and State, shall—

24 (1) identify mineral commodities that—

1 (A) serve a critical purpose to the national
2 security of the United States, including with re-
3 spect to military, defense, and strategic mobility
4 applications; and

5 (B) are at highest risk of supply chain dis-
6 ruption due to the domestic or global actions of
7 any covered entity, including price-fixing, sys-
8 temic acquisition and control of global mineral
9 resources and processing, refining, and smelting
10 capacity, and undercutting the fair market
11 value of such resources; and

12 (2) develop a national strategy for bolstering
13 supply chains in the United States for the mineral
14 commodities identified under paragraph (1), includ-
15 ing through the enactment of new national policies
16 and the utilization of current authorities, to increase
17 capacity and efficiency of domestic mining, refining,
18 processing, and manufacturing of such mineral com-
19 modities.

20 (b) COVERED ENTITY.—In this section, the term
21 “covered entity” means an entity that—

22 (1) is subject to the jurisdiction or direction of
23 the People’s Republic of China;

24 (2) is directly or indirectly operating on behalf
25 of the People’s Republic of China; or

1 (3) is owned by, directly or indirectly controlled
2 by, or otherwise subject to the influence of the Peo-
3 ple's Republic of China.

4 **TITLE IV—FEDERAL LAND USE**
5 **PLANNING**

6 **SEC. 20401. FEDERAL LAND USE PLANNING AND WITH-**
7 **DRAWALS.**

8 (a) **RESOURCE ASSESSMENTS REQUIRED.**—Federal
9 lands and waters may not be withdrawn from entry under
10 the mining laws or operation of the mineral leasing and
11 mineral materials laws unless—

12 (1) a quantitative and qualitative geophysical
13 and geological mineral resource assessment of the
14 impacted area has been completed during the 10-
15 year period ending on the date of such withdrawal;

16 (2) the Secretary, in consultation with the Sec-
17 retary of Commerce, the Secretary of Energy, and
18 the Secretary of Defense, conducts an assessment of
19 the economic, energy, strategic, and national secu-
20 rity value of mineral deposits identified in such min-
21 eral resource assessment;

22 (3) the Secretary conducts an assessment of the
23 reduction in future Federal revenues to the Treas-
24 ury, States, the Land and Water Conservation
25 Fund, the Historic Preservation Fund, and the Na-

1 tional Parks and Public Land Legacy Restoration
2 Fund resulting from the proposed mineral with-
3 drawal;

4 (4) the Secretary, in consultation with the Sec-
5 retary of Defense, conducts an assessment of mili-
6 tary readiness and training activities in the proposed
7 withdrawal area; and

8 (5) the Secretary submits a report to the Com-
9 mittees on Natural Resources, Agriculture, Energy
10 and Commerce, and Foreign Affairs of the House of
11 Representatives and the Committees on Energy and
12 Natural Resources, Agriculture, and Foreign Affairs
13 of the Senate, that includes the results of the assess-
14 ments completed pursuant to this subsection.

15 (b) LAND USE PLANS.—Before a resource manage-
16 ment plan under the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. 1701 et seq.) or a forest
18 management plan under the National Forest Management
19 Act is updated or completed, the Secretary or Secretary
20 of Agriculture, as applicable, in consultation with the Di-
21 rector of the United States Geological Survey, shall—

22 (1) review any quantitative and qualitative min-
23 eral resource assessment that was completed or up-
24 dated during the 10-year period ending on the date
25 that the applicable land management agency pub-

1 lishes a notice to prepare, revise, or amend a land
2 use plan by the Director of the United States Geo-
3 logical Survey for the geographic area affected by
4 the applicable management plan;

5 (2) the Secretary, in consultation with the Sec-
6 retary of Commerce, the Secretary of Energy, and
7 the Secretary of Defense, conducts an assessment of
8 the economic, energy, strategic, and national secu-
9 rity value of mineral deposits identified in such min-
10 eral resource assessment; and

11 (3) submit a report to the Committees on Nat-
12 ural Resources, Agriculture, Energy and Commerce,
13 and Foreign Affairs of the House of Representatives
14 and the Committees on Energy and Natural Re-
15 sources, Agriculture, and Foreign Affairs of the Sen-
16 ate, that includes the results of the assessment com-
17 pleted pursuant to this subsection.

18 (c) NEW INFORMATION.—The Secretary shall provide
19 recommendations to the President on appropriate meas-
20 ures to reduce unnecessary impacts that a withdrawal of
21 Federal lands or waters from entry under the mining laws
22 or operation of the mineral leasing and mineral materials
23 laws may have on mineral exploration, development, and
24 other mineral activities (including authorizing exploration
25 and development of such mineral deposits) not later than

1 180 days after the Secretary has notice that a resource
2 assessment completed by the Director of the United States
3 Geological Survey, in coordination with the State geologi-
4 cal surveys, determines that a previously undiscovered
5 mineral deposit may be present in an area that has been
6 withdrawn from entry under the mining laws or operation
7 of the mineral leasing and mineral materials laws pursu-
8 ant to—

9 (1) section 204 of the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C. 1714); or

11 (2) chapter 3203 of title 54, United States
12 Code.

13 **SEC. 20402. PROHIBITIONS ON DELAY OF MINERAL DEVEL-**
14 **OPMENT OF CERTAIN FEDERAL LAND.**

15 (a) PROHIBITIONS.—Notwithstanding any other pro-
16 vision of law, the President shall not carry out any action
17 that would pause, restrict, or delay the process for or
18 issuance of any of the following on Federal land, unless
19 such lands are withdrawn from disposition under the min-
20 eral leasing laws, including by administrative withdrawal:

21 (1) New oil and gas lease sales, oil and gas
22 leases, drill permits, or associated approvals or au-
23 thorizations of any kind associated with oil and gas
24 leases.

1 (2) New coal leases (including leases by applica-
2 tion in process, renewals, modifications, or expan-
3 sions of existing leases), permits, approvals, or au-
4 thorizations.

5 (3) New leases, claims, permits, approvals, or
6 authorizations for development or exploration of
7 minerals.

8 (b) PROHIBITION ON RESCISSION OF LEASES, PER-
9 MITS, OR CLAIMS.—The President, the Secretary, or Sec-
10 retary of Agriculture as applicable, may not rescind any
11 existing lease, permit, or claim for the extraction and pro-
12 duction of any mineral under the mining laws or mineral
13 leasing and mineral materials laws on National Forest
14 System land or land under the jurisdiction of the Bureau
15 of Land Management, unless specifically authorized by
16 Federal statute, or upon the lessee, permittee, or claim-
17 ant’s failure to comply with any of the provisions of the
18 applicable lease, permit, or claim.

19 (c) MINERAL DEFINED.—In subsection (a)(3), the
20 term “mineral” means any mineral of a kind that is
21 locatable (including such minerals located on “lands ac-
22 quired by the United States”, as such term is defined in
23 section 2 of the Mineral Leasing Act for Acquired Lands)
24 under the Act of May 10, 1872 (Chapter 152; 17 Stat.
25 91).

1 **SEC. 20403. DEFINITIONS.**

2 In this title:

3 (1) FEDERAL LAND.—The term “Federal land”
4 means—

5 (A) National Forest System land;

6 (B) public lands (as defined in section 103
7 of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1702));

9 (C) the outer Continental Shelf (as defined
10 in section 2 of the Outer Continental Shelf
11 Lands Act (43 U.S.C. 1331)); and

12 (D) land managed by the Secretary of En-
13 ergy.

14 (2) PRESIDENT.—The term “President”
15 means—

16 (A) the President; and

17 (B) any designee of the President, includ-
18 ing—

19 (i) the Secretary of Agriculture;

20 (ii) the Secretary of Commerce;

21 (iii) the Secretary of Energy; and

22 (iv) the Secretary of the Interior.

23 (3) PREVIOUSLY UNDISCOVERED DEPOSIT.—

24 The term “previously undiscovered mineral deposit”
25 means—

1 (A) a mineral deposit that has been pre-
2 viously evaluated by the United States Geologi-
3 cal Survey and found to be of low mineral po-
4 tential, but upon subsequent evaluation is de-
5 termined by the United States Geological Sur-
6 vey to have significant mineral potential; or

7 (B) a mineral deposit that has not pre-
8 viously been evaluated by the United States Ge-
9 ological Survey.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 **TITLE V—ENSURING COMPETI-**
13 **TIVENESS ON FEDERAL**
14 **LANDS**

15 **SEC. 20501. INCENTIVIZING DOMESTIC PRODUCTION.**

16 (a) OFFSHORE OIL AND GAS ROYALTY RATE.—Sec-
17 tion 8(a)(1) of the Outer Continental Shelf Lands Act (43
18 U.S.C. 1337(a)(1)) is amended—

19 (1) in subparagraph (A), by striking “not less
20 than 16²/₃ percent, but not more than 18³/₄ percent,
21 during the 10-year period beginning on the date of
22 enactment of the Act titled ‘An Act to provide for
23 reconciliation pursuant to title II of S. Con. Res.
24 14’, and not less than 16²/₃ percent thereafter,”

1 each place it appears and inserting “not less than
2 12.5 percent”;

3 (2) in subparagraph (C), by striking “not less
4 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
5 during the 10-year period beginning on the date of
6 enactment of the Act titled ‘An Act to provide for
7 reconciliation pursuant to title II of S. Con. Res.
8 14’, and not less than $16\frac{2}{3}$ percent thereafter,”
9 each place it appears and inserting “not less than
10 12.5 percent”;

11 (3) in subparagraph (F), by striking “not less
12 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
13 during the 10-year period beginning on the date of
14 enactment of the Act titled ‘An Act to provide for
15 reconciliation pursuant to title II of S. Con. Res.
16 14’, and not less than $16\frac{2}{3}$ percent thereafter,” and
17 inserting “not less than 12.5 percent”; and

18 (4) in subparagraph (H), by striking “not less
19 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
20 during the 10-year period beginning on the date of
21 enactment of the Act titled ‘An Act to provide for
22 reconciliation pursuant to title II of S. Con. Res.
23 14’, and not less than $16\frac{2}{3}$ percent thereafter,” and
24 inserting “not less than 12.5 percent”.

25 (b) MINERAL LEASING ACT.—

1 (1) ONSHORE OIL AND GAS ROYALTY RATES.—

2 (A) LEASE OF OIL AND GAS LAND.—Sec-
3 tion 17 of the Mineral Leasing Act (30 U.S.C.
4 226) is amended—

5 (i) in subsection (b)(1)(A)—

6 (I) by striking “not less than
7 $16\frac{2}{3}$ ” and inserting “not less than
8 12.5”; and

9 (II) by striking “or, in the case
10 of a lease issued during the 10-year
11 period beginning on the date of enact-
12 ment of the Act titled ‘An Act to pro-
13 vide for reconciliation pursuant to
14 title II of S. Con. Res. 14’, $16\frac{2}{3}$ per-
15 cent in amount or value of the pro-
16 duction removed or sold from the
17 lease”; and

18 (ii) by striking “ $16\frac{2}{3}$ percent” each
19 place it appears and inserting “12.5 per-
20 cent”.

21 (B) CONDITIONS FOR REINSTATEMENT.—

22 Section 31(e)(3) of the Mineral Leasing Act (30
23 U.S.C. 188(e)(3)) is amended by striking “20”
24 inserting “ $16\frac{2}{3}$ ”.

1 (2) OIL AND GAS MINIMUM BID.—Section 17(b)
2 of the Mineral Leasing Act (30 U.S.C. 226(b)) is
3 amended—

4 (A) in paragraph (1)(B), by striking “\$10
5 per acre during the 10-year period beginning on
6 the date of enactment of the Act titled ‘An Act
7 to provide for reconciliation pursuant to title II
8 of S. Con. Res. 14’.” and inserting “\$2 per
9 acre for a period of 2 years from the date of
10 the enactment of the Federal Onshore Oil and
11 Gas Leasing Reform Act of 1987.”; and

12 (B) in paragraph (2)(C), by striking “\$10
13 per acre” and inserting “\$2 per acre”.

14 (3) FOSSIL FUEL RENTAL RATES.—Section
15 17(d) of the Mineral Leasing Act (30 U.S.C.
16 226(d)) is amended to read as follows:

17 “(d) All leases issued under this section, as amended
18 by the Federal Onshore Oil and Gas Leasing Reform Act
19 of 1987, shall be conditioned upon payment by the lessee
20 of a rental of not less than \$1.50 per acre per year for
21 the first through fifth years of the lease and not less than
22 \$2 per acre per year for each year thereafter. A minimum
23 royalty in lieu of rental of not less than the rental which
24 otherwise would be required for that lease year shall be
25 payable at the expiration of each lease year beginning on

1 or after a discovery of oil or gas in paying quantities on
2 the lands leased.”.

3 (4) EXPRESSION OF INTEREST FEE.—Section
4 17 of the Mineral Leasing Act (30 U.S.C. 226) is
5 further amended by repealing subsection (q).

6 (5) ELIMINATION OF NONCOMPETITIVE LEAS-
7 ING.—Section 17 of the Mineral Leasing Act (30
8 U.S.C. 226) is further amended—

9 (A) in subsection (b)—

10 (i) in paragraph (1)(A)—

11 (I) in the first sentence, by strik-
12 ing “paragraph (2)” and inserting
13 “paragraphs (2) and (3)”; and

14 (II) by adding at the end “Lands
15 for which no bids are received or for
16 which the highest bid is less than the
17 national minimum acceptable bid shall
18 be offered promptly within 30 days
19 for leasing under subsection (c) of this
20 section and shall remain available for
21 leasing for a period of 2 years after
22 the competitive lease sale.”; and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(3)(A) If the United States held a vested fu-
2 ture interest in a mineral estate that, immediately
3 prior to becoming a vested present interest, was sub-
4 ject to a lease under which oil or gas was being pro-
5 duced, or had a well capable of producing, in paying
6 quantities at an annual average production volume
7 per well per day of either not more than 15 barrels
8 per day of oil or condensate, or not more than
9 60,000 cubic feet of gas, the holder of the lease may
10 elect to continue the lease as a noncompetitive lease
11 under subsection (c)(1).

12 “(B) An election under this paragraph is effec-
13 tive—

14 “(i) in the case of an interest which vested
15 after January 1, 1990, and on or before Octo-
16 ber 24, 1992, if the election is made before the
17 date that is 1 year after October 24, 1992;

18 “(ii) in the case of an interest which vests
19 within 1 year after October 24, 1992, if the
20 election is made before the date that is 2 years
21 after October 24, 1992; and

22 “(iii) in any case other than those de-
23 scribed in clause (i) or (ii), if the election is
24 made prior to the interest becoming a vested
25 present interest.”;

1 (B) by striking subsection (c) and insert-
2 ing the following:

3 “(c) LANDS SUBJECT TO LEASING UNDER SUB-
4 SECTION (B); FIRST QUALIFIED APPLICANT.—

5 “(1) If the lands to be leased are not leased
6 under subsection (b)(1) of this section or are not
7 subject to competitive leasing under subsection
8 (b)(2) of this section, the person first making appli-
9 cation for the lease who is qualified to hold a lease
10 under this chapter shall be entitled to a lease of
11 such lands without competitive bidding, upon pay-
12 ment of a non-refundable application fee of at least
13 \$75. A lease under this subsection shall be condi-
14 tioned upon the payment of a royalty at a rate of
15 12.5 percent in amount or value of the production
16 removed or sold from the lease. Leases shall be
17 issued within 60 days of the date on which the Sec-
18 retary identifies the first responsible qualified appli-
19 cant.

20 “(2)(A) Lands (i) which were posted for sale
21 under subsection (b)(1) of this section but for which
22 no bids were received or for which the highest bid
23 was less than the national minimum acceptable bid
24 and (ii) for which, at the end of the period referred
25 to in subsection (b)(1) of this section no lease has

1 been issued and no lease application is pending
2 under paragraph (1) of this subsection, shall again
3 be available for leasing only in accordance with sub-
4 section (b)(1) of this section.

5 “(B) The land in any lease which is issued
6 under paragraph (1) of this subsection or under sub-
7 section (b)(1) of this section which lease terminates,
8 expires, is cancelled or is relinquished shall again be
9 available for leasing only in accordance with sub-
10 section (b)(1) of this section.”; and

11 (C) by striking subsection (e) and inserting
12 the following:

13 “(e) PRIMARY TERM.—Competitive and noncompeti-
14 tive leases issued under this section shall be for a primary
15 term of 10 years: Provided, however, That competitive
16 leases issued in special tar sand areas shall also be for
17 a primary term of 10 years. Each such lease shall continue
18 so long after its primary term as oil or gas is produced
19 in paying quantities. Any lease issued under this section
20 for land on which, or for which under an approved cooper-
21 ative or unit plan of development or operation, actual drill-
22 ing operations were commenced prior to the end of its pri-
23 mary term and are being diligently prosecuted at that time
24 shall be extended for two years and so long thereafter as
25 oil or gas is produced in paying quantities.”.

1 (6) CONFORMING AMENDMENTS.—Section 31 of
2 the Mineral Leasing Act (30 U.S.C. 188) is amend-
3 ed—

4 (A) in subsection (d)(1), by striking “sec-
5 tion 17(b)” and inserting “subsection (b) or (c)
6 of section 17 of this Act”;

7 (B) in subsection (e)—

8 (i) in paragraph (2)—

9 (I) insert “either” after “rentals
10 and”; and

11 (II) insert “or the inclusion in a
12 reinstated lease issued pursuant to the
13 provisions of section 17(c) of this Act
14 of a requirement that future rentals
15 shall be at a rate not less than \$5 per
16 acre per year, all” before “as deter-
17 mined by the Secretary”; and

18 (ii) by amending paragraph (3) to
19 read as follows:

20 “(3)(A) payment of back royalties and the in-
21 clusion in a reinstated lease issued pursuant to the
22 provisions of section 17(b) of this Act of a require-
23 ment for future royalties at a rate of not less than
24 $16\frac{2}{3}$ percent computed on a sliding scale based
25 upon the average production per well per day, at a

1 rate which shall be not less than 4 percentage points
2 greater than the competitive royalty schedule then in
3 force and used for royalty determination for com-
4 petitive leases issued pursuant to such section as de-
5 termined by the Secretary: Provided, That royalty
6 on such reinstated lease shall be paid on all produc-
7 tion removed or sold from such lease subsequent to
8 the termination of the original lease;

9 “(B) payment of back royalties and inclusion in
10 a reinstated lease issued pursuant to the provisions
11 of section 17(c) of this Act of a requirement for fu-
12 ture royalties at a rate not less than $16\frac{2}{3}$ percent:
13 Provided, That royalty on such reinstated lease shall
14 be paid on all production removed or sold from such
15 lease subsequent to the cancellation or termination
16 of the original lease; and”;

17 (C) in subsection (f)—

18 (i) in paragraph (1), strike “in the
19 same manner as the original lease issued
20 pursuant to section 17” and insert “as a
21 competitive or a noncompetitive oil and gas
22 lease in the same manner as the original
23 lease issued pursuant to subsection (b) or
24 (c) of section 17 of this Act”;

1 (ii) by redesignating paragraphs (2)
2 and (3) as paragraph (3) and (4), respec-
3 tively; and

4 (iii) by inserting after paragraph (1)
5 the following:

6 “(2) Except as otherwise provided in this sec-
7 tion, the issuance of a lease in lieu of an abandoned
8 patented oil placer mining claim shall be treated as
9 a noncompetitive oil and gas lease issued pursuant
10 to section 17(c) of this Act.”;

11 (D) in subsection (g), by striking “sub-
12 section (d)” and inserting “subsections (d) and
13 (f)”;

14 (E) by amending subsection (h) to read as
15 follows:

16 “(h) ROYALTY REDUCTIONS.—

17 “(1) In acting on a petition to issue a non-
18 competitive oil and gas lease, under subsection (f) of
19 this section or in response to a request filed after
20 issuance of such a lease, or both, the Secretary is
21 authorized to reduce the royalty on such lease if in
22 his judgment it is equitable to do so or the cir-
23 cumstances warrant such relief due to uneconomic
24 or other circumstances which could cause undue
25 hardship or premature termination of production.

1 “(2) In acting on a petition for reinstatement
2 pursuant to subsection (d) of this section or in re-
3 sponse to a request filed after reinstatement, or
4 both, the Secretary is authorized to reduce the roy-
5 alty in that reinstated lease on the entire leasehold
6 or any tract or portion thereof segregated for royalty
7 purposes if, in his judgment, there are uneconomic
8 or other circumstances which could cause undue
9 hardship or premature termination of production; or
10 because of any written action of the United States,
11 its agents or employees, which preceded, and was a
12 major consideration in, the lessee’s expenditure of
13 funds to develop the property under the lease after
14 the rent had become due and had not been paid; or
15 if in the judgment of the Secretary it is equitable to
16 do so for any reason.”;

17 (F) by redesignating subsections (f)
18 through (i) as subsections (g) through (j), re-
19 spectively; and

20 (G) by inserting after subsection (e) the
21 following:

22 “(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS
23 LEASE; CONDITIONS.—Where an unpatented oil placer
24 mining claim validly located prior to February 24, 1920,
25 which has been or is currently producing or is capable of

1 producing oil or gas, has been or is hereafter deemed con-
2 clusively abandoned for failure to file timely the required
3 instruments or copies of instruments required by section
4 1744 of title 43, and it is shown to the satisfaction of
5 the Secretary that such failure was inadvertent, justifi-
6 able, or not due to lack of reasonable diligence on the part
7 of the owner, the Secretary may issue, for the lands cov-
8 ered by the abandoned unpatented oil placer mining claim,
9 a noncompetitive oil and gas lease, consistent with the pro-
10 visions of section 17(e) of this Act, to be effective from
11 the statutory date the claim was deemed conclusively
12 abandoned. Issuance of such a lease shall be conditioned
13 upon:

14 “(1) a petition for issuance of a noncompetitive
15 oil and gas lease, together with the required rental
16 and royalty, including back rental and royalty accru-
17 ing from the statutory date of abandonment of the
18 oil placer mining claim, being filed with the
19 Secretary- (A) with respect to any claim deemed
20 conclusively abandoned on or before January 12,
21 1983, on or before the one hundred and twentieth
22 day after January 12, 1983, or (B) with respect to
23 any claim deemed conclusively abandoned after Jan-
24 uary 12, 1983, on or before the one hundred and
25 twentieth day after final notification by the Sec-

1 retary or a court of competent jurisdiction of the de-
2 termination of the abandonment of the oil placer
3 mining claim;

4 “(2) a valid lease not having been issued affect-
5 ing any of the lands covered by the abandoned oil
6 placer mining claim prior to the filing of such peti-
7 tion: Provided, however, That after the filing of a
8 petition for issuance of a lease under this subsection,
9 the Secretary shall not issue any new lease affecting
10 any of the lands covered by such abandoned oil plac-
11 er mining claim for a reasonable period, as deter-
12 mined in accordance with regulations issued by him;

13 “(3) a requirement in the lease for payment of
14 rental, including back rentals accruing from the
15 statutory date of abandonment of the oil placer min-
16 ing claim, of not less than \$5 per acre per year;

17 “(4) a requirement in the lease for payment of
18 royalty on production removed or sold from the oil
19 placer mining claim, including all royalty on produc-
20 tion made subsequent to the statutory date the claim
21 was deemed conclusively abandoned, of not less than
22 12½ percent; and

23 “(5) compliance with the notice and reimburse-
24 ment of costs provisions of paragraph (4) of sub-
25 section (e) but addressed to the petition covering the

1 conversion of an abandoned unpatented oil placer
 2 mining claim to a noncompetitive oil and gas lease.”.

3 **TITLE VI—ENERGY REVENUE**
 4 **SHARING**

5 **SEC. 20601. GULF OF MEXICO OUTER CONTINENTAL SHELF**
 6 **REVENUE.**

7 (a) DISTRIBUTION OF OUTER CONTINENTAL SHELF
 8 REVENUE TO GULF PRODUCING STATES.—Section 105 of
 9 the Gulf of Mexico Energy Security Act of 2006 (43
 10 U.S.C. 1331 note) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “50” and
 13 inserting “37.5”; and

14 (B) in paragraph (2)—

15 (i) by striking “50” and inserting
 16 “62.5”;

17 (ii) in subparagraph (A), by striking
 18 “75” and inserting “80”; and

19 (iii) in subparagraph (B), by striking
 20 “25” and inserting “20”; and

21 (2) by striking subsection (f) and inserting the
 22 following:

23 “(f) TREATMENT OF AMOUNTS.—Amounts disbursed
 24 to a Gulf producing State under this section shall be treat-
 25 ed as revenue sharing and not as a Federal award or grant

1 for the purposes of part 200 of title 2, Code of Federal
2 Regulations.”.

3 (b) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
4 QUESTRATION.—

5 (1) IN GENERAL.—Section 255(g)(1)(A) of the
6 Balanced Budget and Emergency Deficit Control
7 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
8 inserting after “Payments to Social Security Trust
9 Funds (28–0404–0–1–651).” the following:

10 “Payments to States pursuant to section
11 105(a)(2)(A) of the Gulf of Mexico Energy Security
12 Act of 2006 (Public Law 109–432; 43 U.S.C. 1331
13 note) (014–5535–0–2–302).”.

14 (2) APPLICABILITY.—The amendment made by
15 this subsection shall apply to any sequestration
16 order issued under the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
18 seq.) on or after the date of enactment of this Act.

19 **SEC. 20602. PARITY IN OFFSHORE WIND REVENUE SHAR-**
20 **ING.**

21 (a) PAYMENTS AND REVENUES.—Section 8(p)(2) of
22 the Outer Continental Shelf Lands Act (43 U.S.C.
23 1337(p)(2)) is amended—

24 (1) in subparagraph (A), by striking “(A) The
25 Secretary” and inserting the following:

1 “(A) IN GENERAL.—Subject to subpara-
2 graphs (B) and (C), the Secretary”;

3 (2) in subparagraph (B), by striking “(B) The
4 Secretary” and inserting the following:

5 “(B) DISPOSITION OF REVENUES FOR
6 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES
7 SEAWARD OF STATE SUBMERGED LAND.—The
8 Secretary”; and

9 (3) by adding at the end the following:

10 “(C) DISPOSITION OF REVENUES FOR OFF-
11 SHORE WIND PROJECTS IN CERTAIN AREAS.—

12 “(i) DEFINITIONS.—In this subpara-
13 graph:

14 “(I) COVERED OFFSHORE WIND
15 PROJECT.—The term ‘covered off-
16 shore wind project’ means a wind
17 powered electric generation project in
18 a wind energy area on the outer Con-
19 tinental Shelf that is not wholly or
20 partially located within an area sub-
21 ject to subparagraph (B).

22 “(II) ELIGIBLE STATE.—The
23 term ‘eligible State’ means a State a
24 point on the coastline of which is lo-
25 cated within 75 miles of the geo-

1 graphic center of a covered offshore
2 wind project.

3 “(III) QUALIFIED OUTER CONTI-
4 NENTAL SHELF REVENUES.—The
5 term ‘qualified outer Continental
6 Shelf revenues’ means all royalties,
7 fees, rentals, bonuses, or other pay-
8 ments from covered offshore wind
9 projects carried out pursuant to this
10 subsection on or after the date of en-
11 actment of this subparagraph.

12 “(ii) REQUIREMENT.—

13 “(I) IN GENERAL.—The Sec-
14 retary of the Treasury shall deposit—

15 “(aa) 12.5 percent of quali-
16 fied outer Continental Shelf reve-
17 nues in the general fund of the
18 Treasury;

19 “(bb) 37.5 percent of quali-
20 fied outer Continental Shelf reve-
21 nues in the North American Wet-
22 lands Conservation Fund; and

23 “(cc) 50 percent of qualified
24 outer Continental Shelf revenues
25 in a special account in the Treas-

1 ury from which the Secretary
2 shall disburse to each eligible
3 State an amount determined pur-
4 suant to subclause (II).

5 “(II) ALLOCATION.—

6 “(aa) IN GENERAL.—Sub-
7 ject to item (bb), for each fiscal
8 year beginning after the date of
9 enactment of this subparagraph,
10 the amount made available under
11 subclause (I)(cc) shall be allo-
12 cated to each eligible State in
13 amounts (based on a formula es-
14 tablished by the Secretary by
15 regulation) that are inversely
16 proportional to the respective dis-
17 tances between the point on the
18 coastline of each eligible State
19 that is closest to the geographic
20 center of the applicable leased
21 tract and the geographic center
22 of the leased tract.

23 “(bb) MINIMUM ALLOCA-
24 TION.—The amount allocated to
25 an eligible State each fiscal year

1 under item (aa) shall be at least
2 10 percent of the amounts made
3 available under subclause (I)(cc).

4 “(cc) PAYMENTS TO COAST-
5 AL POLITICAL SUBDIVISIONS.—

6 “(AA) IN GENERAL.—

7 The Secretary shall pay 20
8 percent of the allocable
9 share of each eligible State,
10 as determined pursuant to
11 item (aa), to the coastal po-
12 litical subdivisions of the eli-
13 gible State.

14 “(BB) ALLOCATION.—

15 The amount paid by the
16 Secretary to coastal political
17 subdivisions under subitem
18 (AA) shall be allocated to
19 each coastal political sub-
20 division in accordance with
21 subparagraphs (B) and (C)
22 of section 31(b)(4) of this
23 Act.

24 “(iii) TIMING.—The amounts required
25 to be deposited under subclause (I) of

1 clause (ii) for the applicable fiscal year
2 shall be made available in accordance with
3 such subclause during the fiscal year im-
4 mediately following the applicable fiscal
5 year.

6 “(iv) AUTHORIZED USES.—

7 “(I) IN GENERAL.—Subject to
8 subclause (II), each eligible State
9 shall use all amounts received under
10 clause (ii)(II) in accordance with all
11 applicable Federal and State laws,
12 only for 1 or more of the following
13 purposes:

14 “(aa) Projects and activities
15 for the purposes of coastal pro-
16 tection and resiliency, including
17 conservation, coastal restoration,
18 estuary management, beach
19 nourishment, hurricane and flood
20 protection, and infrastructure di-
21 rectly affected by coastal wetland
22 losses.

23 “(bb) Mitigation of damage
24 to fish, wildlife, or natural re-

1 sources, including through fish-
2 eries science and research.

3 “(cc) Implementation of a
4 federally approved marine, coast-
5 al, or comprehensive conservation
6 management plan.

7 “(dd) Mitigation of the im-
8 pact of outer Continental Shelf
9 activities through the funding of
10 onshore infrastructure projects.

11 “(ee) Planning assistance
12 and the administrative costs of
13 complying with this section.

14 “(ff) Infrastructure improve-
15 ments at ports, including modi-
16 fications to Federal navigation
17 channels, to support installation
18 of offshore wind energy projects.

19 “(II) LIMITATION.—Of the
20 amounts received by an eligible State
21 under clause (ii)(II), not more than 3
22 percent shall be used for the purposes
23 described in subclause (I)(ee).

24 “(v) ADMINISTRATION.—Subject to
25 clause (vi)(III), amounts made available

1 under items (aa) and (cc) of clause (ii)(I)
2 shall—

3 “(I) be made available, without
4 further appropriation, in accordance
5 with this subparagraph;

6 “(II) remain available until ex-
7 pended; and

8 “(III) be in addition to any
9 amount appropriated under any other
10 Act.

11 “(vi) REPORTING REQUIREMENT.—

12 “(I) IN GENERAL.—Not later
13 than 180 days after the end of each
14 fiscal year, the Governor of each eligi-
15 ble State that receives amounts under
16 clause (ii)(II) for the applicable fiscal
17 year shall submit to the Secretary a
18 report that describes the use of the
19 amounts by the eligible State during
20 the period covered by the report.

21 “(II) PUBLIC AVAILABILITY.—On
22 receipt of a report submitted under
23 subclause (I), the Secretary shall
24 make the report available to the pub-

1 lic on the website of the Department
2 of the Interior.

3 “(III) LIMITATION.—If the Gov-
4 ernor of an eligible State that receives
5 amounts under clause (ii)(II) fails to
6 submit the report required under sub-
7 clause (I) by the deadline specified in
8 that subclause, any amounts that
9 would otherwise be provided to the eli-
10 gible State under clause (ii)(II) for
11 the succeeding fiscal year shall be de-
12 posited in the Treasury.

13 “(vii) TREATMENT OF AMOUNTS.—
14 Amounts disbursed to an eligible State
15 under this subsection shall be treated as
16 revenue sharing and not as a Federal
17 award or grant for the purposes of part
18 200 of title 2, Code of Federal Regula-
19 tions.”.

20 (b) WIND LEASE SALES FOR AREAS OF THE OUTER
21 CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF
22 THE UNITED STATES.—Section 33 of the Outer Conti-
23 nental Shelf Lands Act (43 U.S.C. 1356c) is amended by
24 adding at the end the following:

1 “(b) WIND LEASE SALE PROCEDURE.—Any wind
2 lease granted pursuant to this section shall be considered
3 a wind lease granted under section 8(p), including for pur-
4 poses of the disposition of revenues pursuant to subpara-
5 graphs (B) and (C) of section 8(p)(2).”.

6 (c) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
7 QUESTRATION.—

8 (1) IN GENERAL.—Section 255(g)(1)(A) of the
9 Balanced Budget and Emergency Deficit Control
10 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
11 inserting after “Payments to Social Security Trust
12 Funds (28–0404–0–1–651).” the following:

13 “Payments to States pursuant to subparagraph
14 (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Conti-
15 nental Shelf Lands Act (43 U.S.C. 1337(p)(2)).”.

16 (2) APPLICABILITY.—The amendment made by
17 this subsection shall apply to any sequestration
18 order issued under the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
20 seq.) on or after the date of enactment of this Act.

21 **SEC. 20603. ELIMINATION OF ADMINISTRATIVE FEE UNDER**
22 **THE MINERAL LEASING ACT.**

23 (a) IN GENERAL.—Section 35 of the Mineral Leasing
24 Act (30 U.S.C. 191) is amended—

1 (1) in subsection (a), in the first sentence, by
2 striking “and, subject to the provisions of subsection
3 (b),”;

4 (2) by striking subsection (b);

5 (3) by redesignating subsections (c) and (d) as
6 subsections (b) and (c), respectively;

7 (4) in paragraph (3)(B)(ii) of subsection (b) (as
8 so redesignated), by striking “subsection (d)” and
9 inserting “subsection (c)”; and

10 (5) in paragraph (3)(A)(ii) of subsection (c) (as
11 so redesignated), by striking “subsection (c)(2)(B)”
12 and inserting “subsection (b)(2)(B)”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 6(a) of the Mineral Leasing Act for
15 Acquired Lands (30 U.S.C. 355(a)) is amended—

16 (A) in the first sentence, by striking “Sub-
17 ject to the provisions of section 35(b) of the
18 Mineral Leasing Act (30 U.S.C. 191(b)), all”
19 and inserting “All”; and

20 (B) in the second sentence, by striking “of
21 the Act of February 25, 1920 (41 Stat. 450; 30
22 U.S.C. 191),” and inserting “of the Mineral
23 Leasing Act (30 U.S.C. 191)”.

24 (2) Section 20(a) of the Geothermal Steam Act
25 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-

1 ond sentence of the matter preceding paragraph (1),
2 by striking “the provisions of subsection (b) of sec-
3 tion 35 of the Mineral Leasing Act (30 U.S.C.
4 191(b)) and section 5(a)(2) of this Act” and insert-
5 ing “section 5(a)(2)”.

6 (3) Section 205(f) of the Federal Oil and Gas
7 Royalty Management Act of 1982 (30 U.S.C.
8 1735(f)) is amended—

9 (A) in the first sentence, by striking “this
10 Section” and inserting “this section”; and

11 (B) by striking the fourth, fifth, and sixth
12 sentences.

13 **SEC. 20604. SUNSET.**

14 This title, and the amendments made by this title,
15 shall cease to have effect on September 30, 2032, and on
16 such date the provisions of law amended by this title shall
17 be restored or revived as if this title had not been enacted.

18 **DIVISION C—WATER QUALITY**
19 **CERTIFICATION AND ENERGY**
20 **PROJECT IMPROVEMENT**

21 **SEC. 30001. SHORT TITLE; TABLE OF CONTENTS.**

22 (a) SHORT TITLE.—This division may be cited as the
23 “Water Quality Certification and Energy Project Improve-
24 ment Act of 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this division is as follows:

DIVISION C—WATER QUALITY CERTIFICATION AND ENERGY
PROJECT IMPROVEMENT

Sec. 30001. Short title; table of contents.

Sec. 30002. Certification.

Sec. 30003. Federal general permits.

3 **SEC. 30002. CERTIFICATION.**

4 Section 401 of the Federal Water Pollution Control
5 Act (33 U.S.C. 1341) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in the first sentence, by striking
9 “may result” and inserting “may directly
10 result”;

11 (ii) in the second sentence, by striking
12 “activity” and inserting “discharge”;

13 (iii) in the third sentence, by striking
14 “applications” each place it appears and
15 inserting “requests”;

16 (iv) in the fifth sentence, by striking
17 “act on” and inserting “grant or deny”;
18 and

19 (v) by inserting after the fourth sen-
20 tence the following: “Not later than 30
21 days after the date of enactment of the
22 Water Quality Certification and Energy

1 Project Improvement Act of 2023, each
2 State and interstate agency that has au-
3 thority to give such a certification, and the
4 Administrator, shall publish requirements
5 for certification to demonstrate to such
6 State, such interstate agency, or the Ad-
7 ministrator, as the case may be, compli-
8 ance with the applicable provisions of sec-
9 tions 301, 302, 303, 306, and 307. A deci-
10 sion to grant or deny a request for certifi-
11 cation shall be based only on the applicable
12 provisions of sections 301, 302, 303, 306,
13 and 307, and the grounds for the decision
14 shall be set forth in writing and provided
15 to the applicant. Not later than 90 days
16 after receipt of a request for certification,
17 the State, interstate agency, or Adminis-
18 trator, as the case may be, shall identify in
19 writing all specific additional materials or
20 information that are necessary to grant or
21 deny the request.”;

22 (B) in paragraph (2)—

23 (i) in the second sentence, by striking
24 “notice of application for such Federal li-

1 cense or permit” and inserting “receipt of
2 a notice under the preceding sentence”;

3 (ii) in the third sentence, by striking
4 “any water quality requirement” and in-
5 serting “any applicable provision of section
6 301, 302, 303, 306, or 307”;

7 (iii) in the fifth sentence, by striking
8 “insure compliance with applicable water
9 quality requirements.” and inserting “en-
10 sure compliance with the applicable provi-
11 sions of sections 301, 302, 303, 306, and
12 307.”;

13 (iv) in the final sentence, by striking
14 “insure” and inserting “ensure”; and

15 (v) by striking the first sentence and
16 inserting “On receipt of a request for cer-
17 tification, the certifying State or interstate
18 agency, as applicable, shall immediately
19 notify the Administrator of the request.”;

20 (C) in paragraph (3), in the second sen-
21 tence, by striking “section” and inserting “any
22 applicable provision of section”;

23 (D) in paragraph (4)—

24 (i) in the first sentence, by striking
25 “applicable effluent limitations or other

1 limitations or other applicable water qual-
2 ity requirements will not be violated” and
3 inserting “no applicable provision of sec-
4 tion 301, 302, 303, 306, or 307 will be vio-
5 lated”;

6 (ii) in the second sentence, by striking
7 “will violate applicable effluent limitations
8 or other limitations or other water quality
9 requirements” and inserting “will directly
10 result in a discharge that violates an appli-
11 cable provision of section 301, 302, 303,
12 306, or 307,”; and

13 (iii) in the third sentence, by striking
14 “such facility or activity will not violate the
15 applicable provisions” and inserting “oper-
16 ation of such facility or activity will not di-
17 rectly result in a discharge that violates
18 any applicable provision”; and

19 (E) in paragraph (5), by striking “the ap-
20 plicable provisions” and inserting “any applica-
21 ble provision”;

22 (2) in subsection (d), by striking “any applica-
23 ble effluent limitations and other limitations, under
24 section 301 or 302 of this Act, standard of perform-
25 ance under section 306 of this Act, or prohibition,

1 effluent standard, or pretreatment standard under
2 section 307 of this Act, and with any other appro-
3 priate requirement of State law set forth in such
4 certification, and” and inserting “the applicable pro-
5 visions of sections 301, 302, 303, 306, and 307, and
6 any such limitations or requirements”; and

7 (3) by adding at the end the following:

8 “(e) For purposes of this section, the applicable pro-
9 visions of sections 301, 302, 303, 306, and 307 are any
10 applicable effluent limitations and other limitations, under
11 section 301 or 302, standard of performance under section
12 306, prohibition, effluent standard, or pretreatment stand-
13 ard under section 307, and requirement of State law im-
14 plementing water quality criteria under section 303 nec-
15 essary to support the designated use or uses of the receiv-
16 ing navigable waters.”.

17 **SEC. 30003. FEDERAL GENERAL PERMITS.**

18 Section 402(a) of the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1342(a)) is amended by adding at the
20 end the following:

21 “(6)(A) The Administrator is authorized to issue gen-
22 eral permits under this section for discharges of similar
23 types from similar sources.

24 “(B) The Administrator may require submission of
25 a notice of intent to be covered under a general permit

1 issued under this section, including additional information
2 that the Administrator determines necessary.

3 “(C) If a general permit issued under this section will
4 expire and the Administrator decides not to issue a new
5 general permit for discharges similar to those covered by
6 the expiring general permit, the Administrator shall pub-
7 lish in the Federal Register a notice of such decision at
8 least two years prior to the expiration of the general per-
9 mit.

10 “(D) If a general permit issued under this section
11 expires and the Administrator has not published a notice
12 in accordance with subparagraph (C), until such time as
13 the Administrator issues a new general permit for dis-
14 charges similar to those covered by the expired general
15 permit, the Administrator shall—

16 “(i) continue to apply the terms, conditions,
17 and requirements of the expired general permit to
18 any discharge that was covered by the expired gen-
19 eral permit; and

20 “(ii) apply such terms, conditions, and require-
21 ments to any discharge that would have been cov-
22 ered by the expired general permit (in accordance

1 with any relevant requirements for such coverage) if
2 the discharge had occurred before such expiration.”.

Passed the House of Representatives March 30,
2023.

Attest:

Clerk.

118TH CONGRESS
1ST SESSION

H. R. 1

AN ACT

To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, and for other purposes.